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HEARINGS

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

NINETY-NINTH CONGRESS

SECOND SESSION

HUMAN RIGHTS AND THE CSCE PROCESS IN EASTERN EUROPE
FEBRUARY 25, 1986
and
HUMAN RIGHTS AND THE CSCE PROCESS IN THE SOVIET UNION
FEBRUARY 27, 1986

Printed for the use of the
Commission on Security and Cooperation in Europe

U.S. GOVERNMENT PRINTING OFFICE
59-044 O WASHINGTON : 1986

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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PUBLIC HEARING ON HUMAN RIGHTS AND THE CSCE PROCESS IN EASTERN EUROPE

TUESDAY, FEBRUARY 25, 1986

Commission on Security and
Cooperation in Europe,
Washington, DC.

The Commission met, pursuant to notice, in room 538, of the Dirksen Senate Office Building, at 9:30 a.m., Senator Alfonse M. D'Amato (Chairman) and Representative Steny H. Hoyer (Cochairman) presiding.

In attendance: Michael R. Hathaway, staff director, and Mary Sue Hafner, general counsel of the Commission.

OPENING STATEMENT OF CHAIRMAN D'AMATO

Chairman D'Amato. The Commission on Security and Cooperation in Europe will come to order. Today, we will hear testimony on Human Rights and the CSCE Process in Eastern Europe.

Today, the Helsinki Commission is holding part I of a two-part hearing on human rights and the CSCE process. This hearing will focus on the views of principal nongovernmental organizations dealing with human rights concerns in Eastern Europe.

Our witnesses today are old friends of the Commission. They represent constituencies with deep, abiding concerns over conditions in Eastern Europe and the Baltic States. Their participation is most important and the Commission welcomes them. Their activities are well known and greatly appreciated by all of us.

We have asked them to come before us to give us the benefit of their thoughts on the Helsinki process and human rights. In particular, we have asked them to look into the future to recommend policies or initiatives the United States should follow in the upcoming meetings in the process.

We are soliciting their comments and advice at the beginning of what may become a watershed year for human rights in the Helsinki context. This is so because the third review conference in the Helsinki process is scheduled to convene in Vienna, Austria, on November 4 of this year. At this conference, the signatory states will review all aspects of the process and make decisions which will shape its future.

The Helsinki process is fragile. It exists now because the Madrid Review Meeting decided it should continue. If Vienna decides it should stop, it will stop. If Vienna decides to change the balance among the various elements of the Final Act, the balance will be changed. All of the chips are on the table in Vienna.

While the Commission must participate in all aspects of the Helsinki process under its statutory mandate, our principal focus is, by law, on human rights and humanitarian affairs. In light of developments in the process as a whole, there is ample reason for serious concern about the future of human rights in the Helsinki process.

I will not delay this morning's proceedings by again recounting Soviet failures to comply with the human rights and humanitarian affairs provisions of the Final Act. All I will do is note that, despite the resolution of a number of divided family cases and the release of Anatoly Shcharansky, the situation for refuseniks, dissidents, persons seeking to practice their religions in peace, and persons seeking free movement of people and ideas across international borders remains grim.

In contrast, it now appears likely, based upon statements by both President Reagan and General Secretary Gorbachev, that there will be some result from the Stockholm talks at the Conference on Confidence- and Security-Building Measures and Disarmament in Europe, better known as CDE. If so, CDE will conclude on September 19 of this year with a recommendation to Vienna on additional confidence- and security-building measures.

We are potentially confronted with a situation in which the West's human rights concerns have been stonewalled and counterattacked at the Ottawa Human Rights Experts' Meeting and at the Budapest Cultural Forum, while Soviet security concerns have been addressed in Stockholm. This must be seen against a background of continuing Soviet cynicism toward their Helsinki human rights commitments and continuing Soviet pressure on NATO on the security front.

Thus, the positive impacts the Helsinki process has had in Eastern Europe are a key element to its continuation. We have seen some slow progress in important areas in some of the non-Soviet Warsaw Pact states. There are still clear shortcomings—some of them outrageous.

For example, Romanian treatment of ethnic minorities and religious believers comes to mind, as does the Bulgarian program to destroy their Turkish minority, and the Polish Government's efforts to suppress the remnants of Solidarity and muzzle those who would speak for the people of Poland.

On balance, however, Western human rights concerns have been best answered by progress in Eastern European nations. While Soviet authorities pursue an open and virulent anti-Semitic program, in Budapest, Hungarian authorities permit the operation of a "Yeshiva"—the only one behind the Iron Curtain—and the presence of a Jewish museum open to the public which includes a holocaust display. Moreover, in this holocaust display, a photograph of Raoul Wallenburg prominently appears.

A number of key issues will be debated this year. Suspension of most-favored-nation [MFN] status for Romania will be strongly argued. I have challenged the Hungarian Government over their conduct during the Budapest Cultural Forum and I intend to raise this issue when the Senate reviews Hungary's most-favored-nation status. The impact of Jackson-Vanik will generate more discussion, as will our trade and cultural exchange agreements.

Rather than attempting to review each of these issues and others I did not mention, I would like to move ahead and hear the views of our most knowledgeable and expert witnesses.

I want to welcome our witnesses here today and to thank them for coming. I look forward with great anticipation to learning their thoughts on these points.

Now, let me turn to my distinguished Cochairman, Congressman Steny Hoyer of Maryland, for any opening remarks he may have.

Congressman Hoyer.

STATEMENT OF COCHAIRMAN HOYER

Cochairman **Hoyer**. Thank you very much, Mr. Chairman. I, first of all, want to congratulate the chairman for starting right on time. I think that's a good precedent. It will get me here a little earlier next time, so, congratulations to you.

I want to thank our witnesses for appearing here. This is one in a series of continuing hearings that the Commission is having with reference to the CSCE process, not only looking back but also looking forward. It also is a hearing which will primarily focus on Eastern European nations because we believe that is a particularly important focus for the Commission. At times our concentration on the Soviets overshadows attention devoted to other Eastern bloc nations. Nevertheless, we think that this series of hearings will emphasize, once again, the importance that we place on the Commission's broad scope as it relates to monitoring compliance of the Final Act by East European nations as well as the Soviet Union.

So, I want to join you, Mr. Chairman, in thanking these witnesses for coming before the Commission, and also for their continuing efforts to further the cause of human rights as reflected by the principles incorporated in the Helsinki Final Act.

So, with that brief opening statement, Mr. Chairman, I look forward to hearing each of our witnesses' testimony.

Chairman **D'Amato**. Thank you, Mr. Hoyer. Let me ask that, first of all, we will take your testimony as if read in its entirety, and would ask you to summarize and hit the high points, if you would. Let's start with Mr. Meierovics.

Mr. Meierovics.

STATEMENT OF GUNARS MEIEROVICS, LATVIAN REPRESENTATIVE, JOINT BALTIC AMERICAN NATIONAL COMMITTEE

Mr. **Meierovics**. Thank you, Mr. Chairman.

Mr. Chairman and Cochairman and members of the Commission, we appreciate the opportunity to express the views of the Joint Baltic American National Committee [JBANC], regarding the Helsinki Human Rights process and how it can be more usefully employed.

The Joint Baltic American National Committee which represents the three central Baltic organizations—Lithuanian American Council, American Latvian Association and the Estonian American National Council—maintains a constant interest in human and religious rights especially with regard to the Soviet-occupied nations of Estonia, Latvia, and Lithuania. Baltic Americans look to the Helsinki process as a useful forum to focus on areas such as self-determination, family reunification and upholding basic human rights in the Baltic States.

Since the inception of the Helsinki Commission, we have had a good working relationship with the Commission and especially their staff members. The Commission has remained sensitive to the situation in the Baltic Republics, and has maintained open channels of communication with nongovernmental organizations on specific issues.

The successful operation of the Helsinki Commission is due not only to a committed staff and a good liaison with NGO's, but also to the active interest and cooperation on the part of the Commissioners from both the House of Representatives and the Senate.

The continued efforts of the Helsinki Commission, whose purpose is to monitor and encourage compliance with the Helsinki Final Act, clearly indicates that the United States has made a serious commitment to the principles of the Helsinki process.

As Congressman Benjamin Gilman stated before the CSCE hearing on June 25, 1985:

> After the 1975 signing of the Final Act, few realized that human rights would become of paramount importance in U.S. foreign policy generally or in relation to the Soviet bloc in particular. The Bipartisan CSCE is a major reason for this development.

The Baltic American community couldn't agree more with Congressman Gilman's assessment of the CSCE.

However, Baltic Americans are disappointed and dismayed to see that the rhetoric of our Government officials does not match up to the reality of the Helsinki human rights process. From the administration that has coined the phrase "the evil empire" when referring to the U.S.S.R., to United States politicians that have politicized the Helsinki process for their own purposes, the American people continuously hear only rhetoric when it comes to human rights.

As Congressman Tom Lantos has commented, human rights cannot be gotten at bargain basement prices. If we want other countries to respect human rights, then the United States should be willing to pay a higher price for positive results.

With that in mind, Joint Baltic American National Committee, on behalf of the Baltic American community, would like to pose several questions here today, as well as several suggestions as to how the Helsinki process can be more usefully employed.

Since the signing of the Final Act, there has been an increase in cooperation in the fields of economics, science and technology, but in the vitally important humanitarian and related fields, the progress has been negligible. As Ambassador Gary Matthews, then Senior Deputy Assistant Secretary of State, Bureau of Human Rights and Humanitarian Affairs, stated on June 25 before the CSCE, the situation in the Soviet Union regarding human rights has gotten considerably worse in the last 10 years.

Furthermore, there is no evidence, whatsoever, that the U.S.S.R. has altered its policy of denial of human rights. Instead of discontinuing the military occupation of the Baltic States—Estonia, Latvia, and Lithuania—the U.S.S.R. has invaded Afghanistan. The pattern of imperialist aggression that characterized the Soviet occupation of the Baltic States 46 years ago is today being repeated in Afghanistan. We are faced with the tragic irony of Estonian, Latvian, and Lithuanian youth, themselves subjugated, now forced to serve in the Soviet occupational army in Afghanistan, and perhaps to die because of Soviet attempts to enslave another people.

Senator Humphrey has stated during a CSCE hearing:

> Year-in year-out the Western nations including the United States stand by as Soviets commit human rights violations of the most outrageous kind. Under the Reagan administration, the United States has made several trade initiatives to the Soviet Union to renew and expand trade agreements.

Given this fact, it is perplexing to see that such agreements are not linked with positive results in light of human rights and the Final Act.

Should we ignore and not do anything about the recent death of Father Juozas Zdebskis, a prominent Catholic priest in Lithuania, who allegedly was killed in a car accident on February 6, 1986? Catholic priests in Lithuania have been harassed, imprisoned and killed during the last 10 years by the KGB. How can we overlook the fact that as a result of the Soviet russification process being implemented in the Baltic States, only 53 percent of the population of Latvia in 1980 was made up of Latvians.

They have almost become a minority in their own native land. Can we ignore the fact that the Soviet Union refuses to allow the Estonian family of Valdo and Leila Randpere, now living in Sweden, to be united with their 2-year-old daughter Kaisa, who is still in Soviet occupied Estonia?

Why has only one member of the Commission, Senator Robert Dole in Belgrade, mentioned the United States nonrecognition policy of the illegal incorporation of the Baltic States into the U.S.S.R.? Why has there not been any formal United States protest against the Soviet actions of crushing the Baltic Helsinki monitoring groups? Soviet jamming of the Baltic Service broadcasts of VOA and RFE/RL remain a serious obstacle to the flow of free communication. Why couldn't improvement in this area be linked to other agreements which the Soviets desire?

Couldn't a congressional delegation have been sent to Budapest to promote human rights? It is through such forums that the cause of human rights can best be furthered behind the Iron Curtain. Why has the United States Government done so little to publicize Soviet noncompliance with the Helsinki Agreement regarding the Baltic States in the United States press?

Given this administration's outspokeness toward "the evil empire," why has there not been a Baltic NGO public member appointed by President Reagan who could participate at the experts' meetings, as President Carter had done?

The list of questions and comments is endless. Even though we are critical of the CSCE, we feel that the Helsinki process provides an invaluable forum for promoting human rights and personal contact with members of delegations from behind the Iron Curtain.

What can be done to improve the Helsinki process? The main point which needs to be addressed is "linkage." There should be some kind of linkage created between the Helsinki Agreement and future agreements which the United States makes with the U.S.S.R. The Soviets respect firmness, not vacillation. Couldn't the Helsinki Commission pursue linking government agreements which the Commerce Department has made with the Soviets, to Soviet progress, or lack of progress, regarding human rights?

Second, the Commission can vigorously utilize the U.S. press to publicize the Helsinki process and the activities of the Commission. To date, there has been minimal substantive progress made in this area.

The Soviets are to be held accountable for their actions if they desire to receive anything from the West. In 1943, Admiral Stomdley commented to Secretary of State Cordell Hull on the hard bargaining of the Soviets: "They don't ever give anything away, Mr. Secretary, not even for something."

With this in mind, if we are to avoid disenchantment, and the Final Act is to serve its purpose and not be cast aside for political expediency, a truthful and firm approach is the best tactic to take.

A secure and lasting peace in Europe can be achieved only if the injustices of World War II are removed and freedom and independence are restored to the Lithuanian, Latvian, and Estonian people. Thank you, Mr. Chairman.

Chairman D'AMATO. Thank you very much. Mr. Gereben.

STATEMENT OF ISTVAN GEREBEN, EXECUTIVE SECRETARY, COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA, AND MEMBER OF AMERICAN EAST EUROPEAN ETHNIC CONFERENCE

Mr. GEREBEN. My name is Istvan B. Gereben. I am the Executive Secretary of the Coordinating Committee of Hungarian Organizations in North America, a member of the American East European Ethnic Conference, which I represent today. We are grateful for the opportunity to present our views on the subjects considered by the Commission today.

The American East European Ethnic Conference is the consultative body of the major nationwide umbrella organizations representing Americans of Bulgarian, Czechoslovak, Estonian, Hungarian, Latvian, Lithuanian, Polish, and Ukrainian descent. The Conference was formed in 1974 with the objective of coordinating the human rights efforts of the different nongovernmental ethnic organizations having interest in East-Central Europe.

The Conference, successfully fulfilling its early objective in the past years, has enlarged the scope of its activities and expanded its objectives. It became active in general foreign policy issues involving trade, international communications, defense, while, at the same time, it maintained its strong involvement in the field of human rights.

I would like to use this opportunity to express our deeply felt appreciation for the Commission's work. We are grateful to the staff, which has been most helpful in the past 10 years. Their dedication, compassion, and patience is an inspiration and an example for all of us of the American East European Ethnic Conference.

The Helsinki process failed to produce any credible sign that the Soviet bloc nations intend to regard their commitments as an obligation to cease or diminish the pattern of internal repression and external brutality which characterized their behavior both before and after they signed the Helsinki accords.

There is no convincing evidence that the East European participants intend to make substantive, meaningful gestures of good will, thus good will indicating that the Soviet Union and its satellites have no intention of honoring the human rights commitments they agreed to at Helsinki.

We sadly observe that the quid pro quo of the Helsinki accords has been and is being cynically and shamelessly violated. As it is known by every one of us here, the West's acceptance of the post-World War II division of Europe and of the arbitrarily drawn boundaries were the quid and the quo was human rights.

Occasionally, the Western signatories of the accords, as any civilized bill collector would, knock on the door of the Soviet bloc, present the bill, call attention to the fact that they are negligent of their commitments, show them the signed contract and ask for payment. The Soviets and their allies are rude, complain about the West for disturbing their peace and "interfering in their internal affairs" and they accuse us of violating the spirit of the contract by insisting on its execution.

We stand in the doorway patiently, argue in hushed tones, listen with open minds and when they slam the door in our faces we smile, turn around and say, "Nice fellows, they at least talk to us and we are able to talk to them." Then we go home and at great cost prepare another bill, devise plans to present it and assure everybody that even if we do not get paid we "at least accomplished something."

What is this "something?" Do we get the intended return for reaffirming the Soviets in their hegemony over East-Central Europe? Do we have what we bargained for in the Helsinki Final Act? The answer is, of course, "No."

The diminishing credibility of the Helsinki process is due not only to Soviet noncompliance with the Helsinki accords. Western attitude has a significant role in losing public support for this process, even among its initially strong advocates.

This attitude is reflected in Congressman Lantos' statement before this Commission on June 25 of last year,

> I believe their, the Soviets', cynicism stems from their accurate perception that the West on the whole is interested in human rights on a cost-free, bargain basement basis. We have segregated, separated, demoted, minimized human rights in our conduct of foreign policy. It has become an almost irrelevant appendix to foreign policy which deals with other issues.

We strongly share this view. Actions of the Western governments do not match their rhetoric.

The U.S. media considers the Helsinki process irrelevant and outdated. It paid no attention to the Ottawa Human Rights Experts' Meeting. Only the banned symposium organized in connection with the Budapest Cultural Forum by the International Helsinki Federation for Human Rights drew the attention of the U.S. press. Very little coverage was afforded to the official forum.

In connection with the recent release of Anatoly Shcharansky, U.S. officials and the media did not make reference to the direct or indirect role of the Helsinki process in gaining freedom for him in spite of the fact that he was one of the founding members of the Moscow Helsinki Monitoring Group. The efforts of the Commission and the many nongovernmental organizations involved in his case through the Helsinki process were not mentioned. This again reflects the apathy of some of our officials and the press toward the Helsinki process.

Even members of the human rights establishment can compromise the credibility of the Helsinki process. The fact that the International Helsinki Federation for Human Rights, which in Budapest was forced from a public meeting hall to a private apartment to hold its discussions on censorship, found it necessary to emphasize the Hungarian authorities "good will" and "the fact that the meetings did go forward without hindrance" shows that even those who are deeply committed to the Helsinki process can be used by the sophisticated oppressive systems in the creation of their false image.

Many human rights advocates, both private and official here in the United States and in Europe are engaged in recitals of human rights violations, while they elude any meaningful measures—like linkage of commerce, and the financial and security aspects of our foreign policy to human rights—which in fact may convince the Soviets and their allies to comply with the Helsinki accords.

Members of Congress have a share in the destruction of respect for our Government's sincerity in executing its human rights policy. The attitude of some Members of Congress was described by Ambassador Schifter at the June 25, 1985 hearing before this Commission,

> A Soviet bloc diplomat mentioned to me recently that he had gotten letters of complaint from the Hill about specific human rights cases. When he got in touch with the Members of Congress in question, he was told, "Well, you know, we do this for our constituents, don't worry about it that much".

We suspected that such hypocrisy exists. Even so its confirmation shocks us and fuels the ever-growing anger, frustration, and cynicism among the dedicated, and often neglected volunteer human rights activists, who believe in the principles espoused by our Government officials.

Often we say that:

> The Helsinki process is the only hope for the dissidents in East Central Europe. For them it is the lone light in the darkness of Soviet oppression.

Well, our impression is that the credibility of the Helsinki process is not esteemed by dissidents with the same fervor as before. Some express the feeling that the West is diligently laboring to free itself from the human rights commitments of the Helsinki Final Act in order to avoid a total breakdown in the arms control talks. Others complain that the West neglects their views on the matters of human rights and cultural freedom at the meetings of the Helsinki process. The latest such expression was made after the Budapest Cultural Forum. In Beszelo 15, the regularly published Hungarian samizdat journal, Miklos Haraszti in an article titled "Helsinki Kitsch," commenting on the proceedings of the Forum, states:

> The Budapest Cultural Forum, if we consider its structure, its rules of proceedings and not the message of its participants, basically adopted the Communist concept of culture.

Haraszti's contention is that the West compromised cultural freedom at the onset of the Forum by accepting the structure of the discussions, in order to promote cultural exchange the Western delegates accepted the totalitarian methods of controlling culture. The Cultural Forum, because of its rules, was a silent and invisible game and ended predictably. It did not promote the cause of independent culture in East Europe. He observes,

> Today cultural freedom is less in existence in every East-Central European country than it was at the time of the signing of the Helsinki Final Act. And if Hungary is an exemption it is not the result of the Helsinki process.

Obviously there are other voices in East Europe but the fact is that the credibility and the effectiveness of the Helsinki process is questioned on both sides of the Iron Curtain.

Often we hear the argument that if we abandon the Helsinki process we deny ourselves the only official public platform we have to express human rights concerns.

The argument is self-defeating. If the argument is true, then we know why the process is so ineffective. If, by definition, the Helsinki process is the only tool to promote human rights concerns, then the frustration, expressed by Congressman Lantos, that human rights have become an almost irrelevant appendix to foreign policy which deals with other issues is understandable. The process must be made an integral part of the West's approach to East-West issues. Without linkage between the Helsinki process and other aspects of foreign policy the West will continue to be incapable of forcing the Soviets and their allies to comply with the Helsinki accords.

What must we do to re-invigorate the Helsinki process, to restore credibility to the Final Act, to re-ignite the enthusiasm of the Helsinki human rights community?

First, we must admit that we failed, and we must not blame this failure on the Soviets alone.

Congress, the executive branch and our allies must become educated and serious about human rights, they must go beyond symbolic expressions and recognize that to achieve our human rights goals they cannot opt for the bargain basement; the West cannot opt for cost-free victories.

American public opinion, through the media, must be educated about the human rights aspects of our foreign policy. It must be made aware of basic American human rights principles and of the consequences of neglecting these.

Congress, the executive branch and the American business community must accept the results of a vigorous implementation of the policy of linkage.

The human rights establishment must enlarge the scope of its involvement. Focusing on the rights of only certain individuals or groups and neglecting others, breeds cynicism, and is divisive.

Linkage between the three baskets of the Final Act must be established and meticulously maintained. Human rights, security, and economic policies must never be considered independently of one another.

Unless our rhetoric is matched with action we cannot expect results. The Commission should play a leading role in convincing Congress and the executive branch about the necessity of changes in policy.

In addition to these vital policy recommendations we propose that the following specific procedural steps be taken for the Vienna review meeting:

Appoint as public members of the U.S. delegation, representatives of nongovernmental organizations who can provide independent views to the other members of the delegation and serve as direct liaisons between the delegation and the interested constituency on the issues under consideration.

The U.S. delegation should propose and work for acceptance of a judicial body, that is, committee, working group, which would review the laws of the signatory countries and compile and report out the list of those laws which do not conform to the Helsinki Final Act. A preliminary survey of these laws should be requested by the Commission from the Congressional Research Service so that results can be presented in Vienna.

The Western delegations must be in a position in Vienna which will allow them to obtain tangible improvements in the human rights conditions of the Soviet bloc countries. The United States must accept the fact that it will have to pay the price of linkage for these substantial improvements.

Vienna is the watershed event of the Helsinki process. If business will be conducted in Vienna as it was in Belgrade, Madrid, Ottawa, and Budapest then the public support for the Helsinki process will disappear. If the Helsinki process continues to be unproductive, then we must renounce the agreement and start anew on a more realistic and less ambiguous basis.

The American East European Ethnic Conference is ready to assist in any way it can to make Vienna a success.

Chairman D'AMATO. Thank you. Mr. Chenoweth.

STATEMENT OF ERIC CHENOWETH, EXECUTIVE DIRECTOR, COMMITTEE IN SUPPORT OF SOLIDARITY

Mr. CHENOWETH. Thank you, Mr. Chairman. My name is Eric Chenoweth. I am the executive director of the Committee in Support of Solidarity, which was formed upon the imposition of martial law in Poland on December 13, 1981 in order to defend and support the trade union movement and the struggle of Poles for fundamental human rights and freedoms.

I thank the chairman and the cochairman of the Commission for this opportunity to offer the views of the committee concerning the relevance, in today's situation, of the Helsinki Final Act, and what is called the Helsinki process, for East-Central Europe. We welcome this opportunity, especially since we have worked closely with the Commission throughout these 4 years in the defense of human rights in Poland. I hope you will not mind, given the nature of the relationship between East-Central Europe and its Eastern neighbor, if I address my remarks also to the Soviet Union as well as Poland.

More than 10 years after signing the accords, as we approach the third followup conference of the CSCE in Vienna, one point is clear and should not tire with repetition: The provisions in the accords guaranteeing human rights and fundamental freedoms have been blatantly violated by the governments of the Soviet Union and

Eastern Europe. Perhaps less clear, but equally true, is that so long as those human rights and fundamental freedoms are denied, there can be no basis for genuine security and cooperation among the signatories of the Final Act; indeed, there can be no foundation for genuine and lasting peace in Europe, much less the rest of the world. No peace can be attained when participating States feel no obligation to honor international agreements solemnly entered into to guarantee human rights. The denial of human rights, the denial of self-determination, the denial of genuine sovereignty—these are not simply moral questions, they bear on the overall character of the Soviet Union and its satellite countries and, thus, on East-West relations.

If we are to assess the continuing worth of the Helsinki process, we must recognize first the importance of human rights and fundamental freedoms to that process and to establish what we mean by promoting those rights and freedoms. By human rights, I do not restrict the meaning to the right of an individual to express his or her views freely, or to exercise freedom of religion, conscience, or belief, as stated in Principle VII of the accords. As important as these are, it is necessary to stress that the struggle for human rights is most importantly a struggle for freedom of association.

For without freedom of association, there can be no guarantee of other rights; individuals and society are without the means to defend themselves against the arbitrary power of the State; and there are no independent institutions that can promote principles of self-determination.

Following the rise of Solidarity, the first free trade union in a Communist country, and following its destruction as a legally recognized institution upon the imposition of marital law, this bedrock freedom was recognized by Western countries in Madrid and guarantees of freedom of association were specifically incorporated into the Madrid Concluding Document. However, freedom of association is guaranteed not only by the Madrid Concluding Document but also by the Final Act, for in it the signatories pledge themselves to respect both the international covenant of human and civil rights and also ILO conventions concerning the right to organize and bargain collectively. However, this point was not given prominence before Madrid.

Similarly, by violations of human rights, concern should not be limited to cases where individuals are punished for seeking their rights but should include concern for the wholesale denial of human rights and freedoms to societies and groups of people. On one level, in the Soviet Union and the other countries of Eastern Europe, human rights are not violated: "There are no human rights." Instead, there is the systematic deprivation of human rights and fundamental freedoms to whole societies under the domination of the Soviet Union.

In Poland, we have a case not only where a large number of individuals are imprisoned for exercising the rights guaranteed in the Final Act, but also where a whole society has been denied the most fundamental right of freedom of association. Free trade unions and independent associations are delegalized; the desires of over 10 million people, expressed freely for the first time, to be represented by independent institutions are brutally suppressed; and the Government ignores all international obligations to respect these rights.

I have heard many times, both by liberals and conservatives, the point of view that the pursuit of human rights in Communist countries, whether it be through the Helsinki process, or through other international instruments, or even through movements such as Solidarity, is meaningless without systematic reform. Such an argument is true, but it is a tautology. For the central question is how to promote such systematic reform. The essential element here is not the willingness of the state to grant human rights—or, I might add, even what we may do in the West—but the willingness and determination of individuals and social movements to struggle for self-determination, freedom of association, freedom of religion, freedom of expression, and other fundamental freedoms. This recognition has profound implications for policy towards the Eastern bloc and towards the Helsinki process. Moreover, it should be recognized that a policy to support the fundamental change sought by these movements inherently holds danger for East-West relations.

Let me be clear, however, about how to help those struggling for freedom, whether it be in Poland, Czechoslovakia, the Soviet Union, or Romania. Some have argued that there is a relationship between the degree of repression in Soviet bloc countries and the level of tension between the Soviet Union and the United States. An equation is established whereby détente, whatever the meaning, is associated with lesser degrees of repression; tension or a hard line is associated with crackdowns on dissent. This is faulty history.

The Soviet Union began cracking down on the human rights movement even before the Helsinki Final Act was signed, during the high point of détente, and indeed intensified its repression afterwards against all those who sought to uphold the principles of Helsinki. Similar patterns occurred elsewhere.

It is essential to understand that such repression is a reflection of the internal dynamics of the Communist system—whether there is détente or not, the state cannot tolerate any sustained challenge to its total control. Nevertheless, there is no perfect totalitarian regime. There is no Communist government, or other government, that has been able to crush totally social forces that arise to demand human rights and freedoms.

Indeed, in Poland, there is a unique development in the history of the Communist system. The government's efforts to destroy all associations independent of the state have failed, and despite unremitting persecution of those active in Solidarity and other independent groups forced underground, the government has not been able to crush the Solidarity movement. Tens of thousands remain active in underground unions, independent publishing, independent education and culture. Over 3 million people read the Independent Press published underground.

There are other developments as well. In Czechoslovakia, despite efforts to control religion, young people continue to seek means to worship freely, independent of the state, as well as in the Baltic States. In the Soviet Union, despite the use of barbarous methods of repression, such as psychiatric torture, the independent peace movement continues to exist, samizdat is published, and religious and national minorities attempt to defend their rights.

Mr. Chairman, Mr. Cochairman, we in the West are obliged to support the struggle for human rights by these movements in every possible way, in the hope that that struggle leads to change. It is by this standard only that the Helsinki accords must be judged. If we judge the accords by the rights it has protected, the record of the Soviet bloc governments leads to the conclusion that the accords are of no merit, since they simply do not adhere to its provisions, and will not.

If we attempt to justify the accords by its words or by its provisions for security and cooperation separately from guarantees for human rights, then the accords are simply without meaning.

If we conclude, however, that the Helsinki accords are still useful as an instrument to those who struggle for freedom, as has been stated by the Helsinki Committee in Poland, then it is our obligation to do what we can to enhance the use of that instrument. Further, it is necessary to provide additional tools and means for them to carry on their struggle. But we should understand that the struggle for human rights, for democracy, in Eastern Europe is primarily a struggle waged in Eastern Europe, and we should not use Helsinki, moreover, to increase unnecessarily expectations of the success that the Helsinki process can do to support that effort.

Mr. Chairman, Mr. Cochairman, let me conclude by stating some of the things we believe should be done to promote the struggle for fundamental human rights and freedoms:

First, continue to take the position within Helsinki forums and outside, strongly and publicly, that the Soviet Union and the countries of Eastern Europe will be held accountable for the fulfillment of the principles and implementation provisions of the Helsinki Final Act and of the guarantees of freedom of association in the concluding document; this includes holding them accountable not only for individual cases of violations of human rights, but also for the systematic deprivation of human rights, which those cases illustrate. But this should not be a statement without meaning but a statement of policy. Let it be known that no agreements on issues of security and cooperation, including trade—that is, those issues about which the Soviet Union is most concerned—can be made without the honoring of the accords and of obligations under international agreements on workers' and human rights. Let not individual refuseniks and dissidents, Solidarity activists, and Charter 77 members be used by the Soviet Union or East bloc governments as individual pawns in the game of international relations; these individuals struggle not for themselves but for their societies and the religious and national minorities they represent.

Second, increase efforts to defend individuals imprisoned, exiled or institutionalized in psychiatric hospitals, for it is they who struggle for the systematic reform we believe is so important to the establishment of genuine peace and cooperation.

Third, enhance the broadcasting capacities of Radio Free Europe/Radio Liberty and Voice of America, thereby fulfilling one of the most important aspects of the accords, increasing the flow of information across borders.

Fourth, increase support for those efforts that allow our Government and American institutions to aid those struggling for human rights. For the issue is not just what the U.S. Government can do in relation with other governments, but what the U.S. Government and American institutions can do in relation with other societies. Thus, the committee believes the initiative of the National Endowment for Democracy is of great importance for those living in closed, totalitarian societies; without such initiatives, there are fewer instruments available to continue the struggle for human rights.

Mr. Chairman and distinguished members of the Commission, thank you for allowing me to present these views to the Commission.

Chairman D'AMATO. I would like to thank all of our witnesses. I'm not going to ask any questions because I agree with about 80 percent of your comments. The remaining 20 percent does not represent a disagreement, but rather, there may be some areas in which Senator Dole raised various issues, and members of this Commission have as well.

Be that as it may, I think that this Commission, certainly the chairman and I believe the cochairman, have not been too pleased with the manner in which the State Department has approached the various CSCE meetings, particularly the last meeting in Hungary. If we allow the process to continue in that manner, many of the criticisms that you have raised and the points that you have raised, will be justified not only by past events, but will be confirmed by future events. We will be diminishing any value that the Helsinki process may have. That would be terrible. I shouldn't say diminishing any value, but diminishing the Helsinki process, and I believe all of you have really made that point.

I raise this point because what I am going to do is to submit, in a more succinct manner, those criticisms that you have raised—I'm going to ask the staff to synthesize them—and send them to the State Department. Let me also advise you that on March 25, Mr. Michael Armitage, who is the Under Secretary of State for Political Affairs, will be before this committee. I would advise you to come and also to bring some representatives of your organization to that hearing.

Under Secretary Armacost is going to testify at that hearing. You will not have an opportunity to testify, but this committee will be quite willing to pose to him those tough questions which you have raised. Your statements have raised very real and meaningful issues. The Soviets and their allies engage in the most incredible kinds of conduct. By our inaction, we lead them to believe that they can continue doing these things and that we should be happy with their replies to our questions.

Some human rights groups, notwithstanding their dedication to the battle for human rights, I believe, play a part in that situation. It's almost a wonderful thing that they have been allowed to attend this conference in Budapest, you see, and so we are urged to look aside from what took place at the Conference and from the manner in which it was conducted. Indeed, we are supposed to say thank you, to the Hungarian authorities for their forebearance. I believe that's your point.

I want you to know that your point is not wasted on the chairman. I share your sense of frustration. I think some people are so timid about approaching this whole area of human rights that they would have us close our eyes to continued abuses. They would ignore the abuse of those who attempt to check on the implementation of their government's Helsinki human rights promises. We are supposed to say, Well, everything is fine. If that's the flavor and the spirit of the messages that you have brought to the Commission, and it seems to me it is, I want you to know that I understand it, and I'm sympathetic. I share your very real frustration because the State Department, it seems to me, does not want to link human rights with other areas, and it seems to me that they systematically and deliberately have taken that posture.

So, the time to tune in is on the 25th, when this Commission meets with the Under Secretary. On March 13, we'll be meeting with Mr. Novak, who has been newly designated as the Ambassador heading the U.S. delegation to the Bern meeting. We will pose to him questions about how he views his role in this process. So, I would commend to you your attendance at those hearings. Please stay in touch with the staff so that we can adequately represent some of your thinking—the thinking of the people that you represent—and the hopes and aspirations of so many, in some of these questions to the representatives of the State Department.

Mr. GEREBEN. Mr. Chairman, I would like to make a request. I would like to make the request that the written testimony of the member organizations of American East European Ethnic Conference, the Bulgarian National Front in the United States, the Czechoslovak National Council of America, the Coordinating Committee of Hungarian Organizations in North America, and the Polish-American Congress would be made part of my testimony and included in the record.

Chairman D'AMATO. So ordered. Our Cochairman, Congressman Hoyer.

Cochairman HOYER. Thank you, Mr. Chairman. I note that Anna Faltus is with us. I have a copy of her statement, though I don't believe that I've seen the other statements to which Mr. Gereben referred. I presume that perhaps the staff has them. But I want to thank Mrs. Faltus for submitting her testimony, and thank all three of you for your testimony here today.

As the chairman notes, some of the testimony today reflects frustration and some of it reflects a questioning attitude, as some members of this Commission have done, as to whether the process is yielding progress. Congressman Lantos, I believe, is a supporter, a strong supporter of the Helsinki process, as I think both of you who quoted him know, but he is also frustrated and angry about the failure of the Soviets and certain of the Eastern bloc nations to comply with the commitments undertaken at Helsinki. Concurrently, that frustration is a result of the failure of the United States to make such failure in the area of human rights more costly.

If I might, first of all, Mr. Meierovics, say that I appreciated your comments as I know the staff appreciated your comments about the positive working relationship with them. We believe we have an excellent staff. Many of you will be happy to know we hope to beef up that staff in the very near future, within the next few weeks, so that we will be at full-speed for Bern and for Vienna. I know the chairman shares my view that we want to be intimately involved in those two conferences.

To that extent, I believe it was you, Mr. Meierovics, or it may have been Mr. Gereben, who mentioned the failure of a CODEL to Budapest. That has been a continuing concern of the Commission. I want you to know that, and I want to restate it. I have said it before, we went through about four scheduling possibilities to go to Budapest, without success. I know the chairman was tied up with the Senate in session. The House schedule was such that there was virtually no flexibility in scheduling a trip to Budapest to coincide with the forum. Unfortunately, the failure to go to Budapest has been perceived wrongly, in my opinion, as a failure by the Commission to give as high a priority to Budapest as I think we did. Again, it was unfortunate that we were not able to travel there.

Let me, Mr. Meierovics ask you a couple of specific questions. At our previous hearing on the subject of the future of the Helsinki process, of which this is a part, one witness stated that "No human rights group in the Soviet Union has ever suggested renouncing the Helsinki Accord." However, last year a clandestine group of Lithuanian youth published an underground newsletter which, among other things, called for the nullification of the Helsinki accords. I don't know that nullification is the appropriate word—perhaps withdrawal from the Helsinki accords might be a better word.

Based on information at your disposal, do you think that this position is shared by many human rights activists in the occupied Baltic States? I know in your statement you raise questions about continuation of the process if, in fact, we do not see progress, but could you comment on the view of the Baltic States activists' groups?

Mr. Meierovics. Well, I think that the Baltic activists are following attentively and carefully about the Helsinki process, how it is being done, what is happening there, and that I can testify from our own experience.

For instance, what is the newest development in Latvia was that in the February issue, which just came out recently in a Communist Party official publication, the Second Secretary, which is also the watchdog from Moscow of all the outlying republics, writes an article about how the Soviets have not approached immigration and cultural affairs and all this, and how well do they work together but, at the same time, he mentioned the Budapest Conference and notes that two of the Latvian organization representatives have been there trying to convince the free world how very bad the Soviets are and all this and all that. That only means that they are—the party officials are very carefully following our activities, the NGO activities, how we are doing and whatnot. And I think what you are talking about, the people inside, I think this only helps them whenever we are there, whenever we raise a question. It is the only—the Helsinki issue, the Helsinki process for the Balts is the only forum where we can even discuss the Baltic issues and, in our opinion, we are so thankful to the Commission that there is an opportunity that we participate. And I think at the CSCE meetings, the Balts have been the only ones who have been 100 percent at every meeting and participating wherever it takes place, even behind the Iron Curtain, and I think that's why we are so certain that—to answer your question, I think they are very much impressed by it all.

Following up, of course, as the Chairman said, policy, State Department policy is something else, something different, but then we are there to express our views there, and that goes over by the radio—I think, from Budapest, it was daily reported what we did.

Cochairman Hoyer. I appreciate that and, of course, I've expressed that in previous hearings. The process provides an opportunity for discussion and for upholding certain agreed-upon standards. As you pointed out in your testimony, the human rights record in the Soviet Union is worse than it was in 1975, not better. So, there has not only not been progress, but there may have been retrogression thus, causing frustration. Nevertheless it is a process which does provide a forum for discussion, example, and reaching out to the press to highlight the human rights abuses in other nations.

A number of you mentioned the failure of the media to focus on human rights violations particularly of Eastern Europe. When they mention it at all, it is generally focused upon Soviet violations. Nevertheless, given all that, it is a viable process in which to make our point and, therefore, from my perspective, an important process that ought not to be abandoned, as some would suggest.

Let me further state that I think the State Department has expressed and I agree, that contrary to the Soviet objective, there was no quid pro quo. Mr. Gereben, you mentioned this quid pro quo; the quid being the acceptance, if not de jure, de facto is what I think you are implying, of the existing boundaries and, therefore, the subjugation of the Baltic States and other Eastern European satellite states by the Soviets. And, the quo being some progress on the human rights question.

I do not agree with that assessment, although, as a practical matter, the Baltic States are subjugated to control by the Soviet Union. I do not believe that is our position, and certainly not the position of this Commission. There was not an acceptance of the de facto political reality that existed in 1975 other than to say that that should be changed by peaceful means, and not by military means. I think it's important that we state that clearly because the Soviets should be under no illusions that in 1975 a specific understanding was reached that we would accept as immutable those lines. I don't accept them. I don't think the Commission accepts them, and I do not believe it is U.S. policy to accept them.

Mr. Gereben. I am certainly aware, however, that in politics perceptions are the ruling factors and, in East and Central Europe, the peoples' perceptions of Yalta and Helsinki may be the same. If we do nothing to change that perception, then that's how it remains.

So, what I am suggesting today is that somehow, in a tangible way, we let the people know that Helsinki and Yalta were not intended by the West as a way of writing off East-Central Europe.

Cochairman Hoyer. What would you suggest?

Mr. Gereben. Well, I really don't know what to suggest in general. I just recite experience—in 1951, Berlin; 1956, Poland and Hungary; in 1968, Czechoslovakia; in 1980, Poland again—and suggest not to repeat the mistakes made in response to those events.

At the time of the Hungarian Revolution, not even diplomatic actions were taken by the West, which would indicate to the people that Yalta is not what they perceive it to be. Even Robert Murphy admitted that we did not have the capability and dedication or the intelligence to do anything about what the perceptions of Eastern Europeans.

This perception exists not only in Eastern Europe, it exists here among us, among our constituency here in the United States. Many of us are convinced that Yalta and Helsinki reaffirmed Soviet occupation or hegemony over East-Central Europe.

Now, we who read the statements and are familiar with the inner workings of agreements and intentions, we know that that is not the truth, but we failed, even we failed to convince our constituents that the perception does not reflect the truth.

We need help, and we are here to ask for it, and the help can come in tangible ways.

Cochairman **Hoyer**. With respect to that, I would appreciate—and I know the Chairman would appreciate—specific tangible ways in which you think we could further that objective of dissipating that perception. I agree with you, perception takes on reality in many instances, particularly in politics, domestic and international. But I would like some specific suggestions, not right now but later, because I want to give you an opportunity to think about it.

Mr. **Gereben**. I will have some.

Cochairman **Hoyer**. Well, if you would give them to us. Mr. Chenoweth, unfortunately, our time is very limited this morning because of the commitments that both Senator D'Amato and I have. I want to thank you for your testimony. Like the others, you made specific suggestions—four at the end of your testimony which you summarized. I think it fair to characterize your feeling as being similar to Mr. Meierovics with respect to the process itself, and the hope that it provides to those in Poland specifically, to which your statement was directed.

I see in your statement at page 6 that you refer, as Mr. Lantos is quoted as stating, to "holding them accountable"—that is to say, some appropriate response to the failure to comply with the accords.

I would be pleased to get from you also, if you would, specific suggestions as to how to hold them accountable. Clearly the linkage issue to which all of you have spoken between the Geneva and Vienna talks is an area that I'd also appreciate your comments. And, again, I'm not going to ask you to do it at this point in time.

Clearly, Secretary Shultz believes that he does attempt to do that. Now, whether he effects that end, I'd be pleased to get your observations. If you could present us with some additional written material for the record which I will personally review, and I know the Chairman and other members of the Commission will as well, it would be helpful. We want to move on to strengthen the Helsinki process and strengthen the position of the United States vis-a-vis some of the concerns that you've mentioned.

To all three of you who took the time to outline specific suggestions, I want you to know that we are going to address them and attempt to implement them. As the Chairman said, I think we all share in the same frustration and agree that we've got to be tougher, do more, and that we've got to involve the media in focusing upon this issue.

Mr. Chairman, I thank you for this opportunity, and I thank the three of you for being with us today and, again, I want to thank Anna Faltus for her testimony, which I have not read but which I will.

Chairman D'AMATO. I want to thank my distinguished Cochairman, the three witnesses who have come before us and obviously the people who you work with. I know this is a difficult and frustrating process, and I think we all share in that frustration you feel.

I would like to make just one observation. I've indicated the importance of the meetings on the 13th and 25th. We'd like for you to submit some questions that you might want us to raise with the Ambassador on the 13th.

We have seen human rights raised to a very high level in the bargaining process, not so much in Helsinki, but in the ongoing negotiations between this administration and the Soviets. Bringing together divided families and the Shcharansky release obviously did not take place without some very serious high level attention and without those matters being raised repeatedly. I think these developments only demonstrate that there is success if there is linkage, and I am convinced that there was linkage in those cases. I think that underscores your position that if we use human rights with strength and determination, not just when it involves summits and not just as it relates to very visible, notable human rights activists, that we can have more success as opposed to the policy we are following today. So, I share that with you and I thank you for your participation. This hearing stands in recess. We will have our next meeting on March 13. Thank you.

[Whereupon, at 10:40 a.m., the hearing was recessed.]

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PUBLIC HEARING ON HUMAN RIGHTS AND THE CSCE PROCESS IN THE SOVIET UNION

THURSDAY, FEBRUARY 27, 1986

Commission on Security and
Cooperation in Europe,
Washington, DC.

The Commission met, pursuant to notice, in room 366, of the Dirksen Senate Office Building, at 10 a.m., Senator Alfonse M. D'Amato (Chairman) and Representative Steny H. Hoyer (Cochairman) presiding.

In attendance: Commissioners and Senators John Heinz and Gordon J. Humphrey; and Commissioner and Representative Don Ritter.

Also in attendance: Michael R. Hathaway, staff director, and Mary Sue Hafner, general counsel of the Commission.

OPENING STATEMENT OF CHAIRMAN D'AMATO

Chairman D'Amato. The hearing on Human Rights and the Helsinki Process will come to order.

I am pleased to welcome to the hearing today the Helsinki Commission. We will hear the views of a panel of distinguished witnesses concerning Human Rights and the Helsinki Process as they affect the Soviet Union.

This hearing is particularly timely in view of recent developments in the human rights field concerning the Soviet Union. Specifically Soviet authorities have chosen at this time to respond to State Department and Helsinki Commission representations, informal appeals and public statements by the President and Members of Congress requesting resolution of certain cases. We have seen the resolution of certain bilateral divided family cases. We have also seen the release of Anatoly Shcharansky.

What do these events mean? As we are well into this period of United States-Soviet summitry, intense negotiation on arms control, and progress and promises on peripheral issues, will the Soviet Union decide to actually comply with the Helsinki human rights promises?

I look forward to hearing the assessments of our witnesses on this vital question.

This can be a critical year for the future of the Helsinki process. This year three parts of the process will occur. First, this April, the Human Contacts Experts' Meeting will convene for 6 weeks in Bern, Switzerland. Then, in November, the next CSCE Review Conference will convene in Vienna, Austria. Also, the Conference on

Confidence- and Security-Building Measures and Disarmament in Europe continues to meet in Stockholm.

Those of us who are concerned about the future of the process must look at the events scheduled for 1986 with a mixture of hope and apprehension. If the Soviet authorities want arms control agreements and new trade agreements badly enough, they may decide to allow increased immigration from the Soviet Union. They may decide to ease their rigorous attempts to suppress Judaism as a religion in the Soviet Union.

Soviet authorities may relax restrictions on Ukrainian Catholics, Baptists, Jehovah's Witnesses, Seventh Day Adventists, Baltic Catholics, Muslims, and others seeking the right to freely practice their religions. They may decide to resolve the outstanding divided family cases. They may eliminate the jamming of Western radio broadcasts and allow more open travel and cultural exchanges.

There are many steps Soviet leaders could take to improve their compliance with the obligations they undertook when they signed the Helsinki Final Act. The question is: Will they decide to take these steps or any of them?

On the other hand, there is reason to believe that recent promising developments were nothing more than another cynical attempt by Soviet leaders to manipulate the Western media and, through them, Western political leaders and public opinion. They may be trading resolution of a few of the headline cases and the outstanding bilateral divided family cases for an improved public image.

They could be doing this to create a smoke screen behind which they can continue to pursue a policy of repression. As usual, in the United States-Soviet relations, we must unravel conflicting indications of Soviet intentions.

Outside the Helsinki process, the picture is not much better. Those of us who have learned the contents of President Reagan's human rights discussions with General Secretary Gorbachev at the Geneva summit found little encouragement in either the tone or the substance of their conversation. Moreover, events in the broader scope of United States-Soviet relations, while a Soviet source of optimism, commentators, et cetera, are subject to the same divergent interpretations as specific human rights developments.

So we would expect increased immigration with an end to the relentless persecution of those who simply apply for permission to immigrate. We would expect an end to current vigorous anti-Semitic campaigns and to the similar vigorous efforts if the Soviets are truly contemplating a change in attitude and a change to meet the Final Accord.

In the interest of time, I am going to ask that the balance of my remarks be placed in the record as if read in their entirety so that we can hear from those of you who have taken the opportunity and the time to be with us, and ask my distinguished Cochairman, Congressman Hoyer, to give us his opening remarks.

[The prepared statement appears as follows:]

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SENATOR ALFONSE D'AMATO
OPENING STATEMENT
COMMISSION ON SECURITY AND COOPERATION IN EUROPE
HEARING ON
HUMAN RIGHTS AND THE HELSINKI PROCESS (SOVIET UNION)

I AM PLEASED TO WELCOME YOU TO THIS HEARING OF THE HELSINKI COMMISSION. TODAY, WE WILL HEAR THE VIEWS OF A PANEL OF DISTINGUISHED WITNESSES CONCERNING HUMAN RIGHTS AND THE HELSINKI PROCESS AS THEY AFFECT THE SOVIET UNION.

THIS HEARING IS PARTICULARLY TIMELY IN VIEW OF RECENT DEVELOPMENTS IN THE HUMAN RIGHTS FIELD CONCERNING THE SOVIET UNION. SPECIFICALLY, SOVIET AUTHORITIES HAVE CHOSEN THIS TIME TO RESPOND TO STATE DEPARTMENT AND HELSINKI COMMISSION REPRESENTATIONS, INFORMAL APPEALS, AND PUBLIC STATEMENTS BY THE PRESIDENT AND MEMBERS OF CONGRESS REQUESTING RESOLUTION OF CERTAIN CASES. WE HAVE SEEN THE RESOLUTION OF CERTAIN BILATERAL DIVIDED FAMILY CASES. WE HAVE ALSO SEEN THE RELEASE OF ANATOLY SHCHARANSKY.

WHAT DO THESE EVENTS MEAN? AS WE ARE WELL INTO THIS PERIOD OF U.S.-SOVIET SUMMITRY, INTENSE NEGOTIATIONS ON ARMS CONTROL, AND PROGRESS AND PROMISES OF PROGRESS ON PERIPHERAL ISSUES, WILL THE SOVIET UNION DECIDE TO ACTUALLY COMPLY WITH ITS HELSINKI HUMAN RIGHTS PROMISES? I LOOK FORWARD TO HEARING THE ASSESSMENTS OF OUR WITNESSES ON THIS VITAL QUESTION.

THIS CAN BE A CRITICAL YEAR FOR THE FUTURE OF THE HELSINKI PROCESS. THIS YEAR, THREE PARTS OF THE PROCESS WILL OCCUR. FIRST, THIS APRIL THE HUMAN CONTACTS EXPERTS' MEETING WILL CONVENE FOR SIX WEEKS IN BERN, SWITZERLAND. THEN, IN NOVEMBER, THE NEXT CSCE REVIEW CONFERENCE WILL CONVENE IN VIENNA, AUSTRIA. ALSO, THE CONFERENCE ON CONFIDENCE AND SECURITY BUILDING MEASURES AND DISARMAMENT IN EUROPE CONTINUES TO MEET IN STOCKHOLM, SWEDEN.

THOSE OF US WHO ARE CONCERNED ABOUT THE FUTURE OF THE PROCESS MUST LOOK AT THE EVENTS SCHEDULED FOR 1986 WITH A MIXTURE OF HOPE AND APPREHENSION. IF THE SOVIET AUTHORITIES WANT ARMS CONTROL AGREEMENTS AND NEW TRADE AGREEMENTS BADLY ENOUGH, THEY MAY DECIDE TO ALLOW INCREASED EMIGRATION FROM THE SOVIET UNION. THEY MAY DECIDE TO EASE THEIR RIGOROUS ATTEMPTS TO SUPPRESS JUDAISM AS A RELIGION IN THE SOVIET UNION.

SOVIET AUTHORITIES MAY RELAX RESTRICTIONS ON UKRAINIAN CATHOLICS, BAPTISTS, JEHOVAH'S WITNESSES, SEVENTH DAY ADVENTISTS, BALTIC CATHOLICS, MUSLIMS, AND OTHERS SEEKING THE RIGHT TO FREELY PRACTICE THEIR RELIGIONS. THEY MAY DECIDE TO RESOLVE THE OUTSTANDING DIVIDED FAMILY CASES. THEY MAY ELIMINATE JAMMING OF WESTERN RADIO BROADCASTS AND ALLOW MORE OPEN TRAVEL AND CULTURAL EXCHANGES. THERE ARE MANY STEPS SOVIET LEADERS COULD TAKE TO IMPROVE THEIR COMPLAINCE WITH THE OBLIGATIONS THEY UNDERTOOK WHEN THEY SIGNED THE HELSINKI FINAL ACT. THE QUESTION IS, WILL THEY DECIDE TO TAKE THESE STEPS, OR ANY OF THEM?

ON THE OTHER HAND, THERE IS REASON TO BELIEVE THESE RECENT PROMISING DEVELOPMENTS ARE NOTHING MORE THAN ANOTHER CYNICAL ATTEMPT BY SOVIET LEADERS TO MANIPULATE THE WESTERN NEWS MEDIA AND, THROUGH THEM, WESTERN POLITICAL LEADERS AND PUBLIC OPINION. THEY MAY BE TRADING RESOLUTION OF A FEW OF THE HEADLINE CASES AND THE OUTSTANDING BILATERAL DIVIDED FAMILY CASES FOR AN IMPROVED PUBLIC IMAGE. THEY COULD BE DOING THIS TO CREATE A SMOKE SCREEN BEHIND WHICH THEY CAN CONTINUE TO PURSUE AN IRON-HANDED POLICY OF REPRESSION AGAINST DISSIDENTS, REFUSENIKS, RELIGIOUS ACTIVISTS, AND OTHERS WHO TOOK SOVIET HUMAN RIGHTS PROMISES SERIOUSLY.

AS USUAL IN U.S.-SOVIET RELATIONS, WE MUST UNRAVEL CONFLICTING INDICATIONS OF SOVIET INTENTIONS. IF WE LOOK AT THEIR RECORD IN THE HELSINKI PROCESS ITSELF, WE MUST EXERCISE

CAUTION AND VIEW CURRENT DEVELOPMENTS WITH A SKEPTICAL EYE. WE ALL REMEMBER THE STONEWALLING AND COUNTERATTACKS WE HAD TO ENDURE AT THE OTTAWA HUMAN RIGHTS EXPERTS' MEETING LAST SPRING. WE ALSO REMEMBER SIMILAR EXPERIENCES AT THE BUDAPEST CULTURAL FORUM. WE CLEARLY RECALL THE NEW SOVIET FOREIGN MINISTER'S STATEMENT AT THE TENTH ANNIVERSARY OF THE FINAL ACT IN HELSINKI. EDUARD SHEVARDNADZHE GAVE US NO REASON TO HOPE FOR A REAL CHANGE IN SOVIET BEHAVIOR.

OUTSIDE THE HELSINKI PROCESS, THE PICTURE IS NOT MUCH BETTER. THOSE OF US WHO HAVE LEARNED THE CONTENTS OF PRESIDENT REAGAN'S HUMAN RIGHTS DISCUSSIONS WITH GENERAL SECRETARY GORBACHEV AT THE GENEVA SUMMIT FOUND LITTLE ENCOURAGEMENT IN EITHER THE TONE OR THE SUBSTANCE OF THEIR CONVERSATION. MOREOVER, EVENTS IN THE BROADER SCOPE OF U.S.-SOVIET RELATIONS, WHILE THE SOURCE OF OPTIMISM FOR MANY COMMENTATORS, ARE SUBJECT TO THE SAME DIVERGENT INTERPRETATIONS AS SPECIFIC HUMAN RIGHTS DEVELOPMENTS.

AS WE LOOK AT THE STATE OF U.S.-SOVIET RELATIONS IN THE AREA OF HUMAN RIGHTS, WE MUST NOT BE DECEIVED OR CONFUSED BY TRANSIENT, TACTICAL GAMBITS. WE MUST SEARCH FOR A BASIS FOR REAL, LASTING CHANGE IN SOVIET BEHAVIOR.

I SPOKE EARLIER ABOUT SOME OF THE MAJOR, OUTSTANDING HUMAN RIGHTS ISSUES FACING THE SOVIET UNION. NO ONE EXPECTS ALL OF THESE PROBLEMS TO BE QUICKLY CORRECTED, EVEN IF THE

NEW HIERARCHY OF THE COMMUNIST PARTY OF THE SOVIET UNION WERE UNANIMOUSLY DETERMINED TO FULLY COMPLY WITH THEIR HELSINKI HUMAN RIGHTS OBLIGATIONS. IF THEY WANT TO IMPROVE U.S - SOVIET RELATIONS, IT IS, HOWEVER, REASONABLE TO EXPECT PROMPT TERMINATION OF THE MOST AGGRESSIVE AND OPPRESSIVE POLICIES SOVIET AUTHORITIES PURSUE IN OPEN AND FLAGRANT VIOLATION -- INDEED, IN CLEAR CONTEMPT -- OF THEIR COMMITMENTS UNDER THE FINAL ACT.

WE WOULD EXPECT INCREASED EMIGRATION, WITH AN END TO THE RELENTLESS PERSECUTION OF THOSE WHO SIMPLY APPLY FOR PERMISSION TO IMMIGRATE. WE WOULD EXPECT AN END TO THE CURRENT VIGOROUS ANTI-SEMETIC CAMPAIGN AND TO THE SIMILARLY VIGOROUS EFFORTS TO SUPPRESS JUDAISM AS A RELIGION IN THE SOVIET UNION, AS WELL AS TO SUPPRESS THE UNLICENSED PRACTICE OF OTHER RELIGIOUS FAITHS. WE WOULD ALSO EXPECT TO SEE A MORE RELAXED ATTITUDE TOWARD MOVEMENT OF PEOPLE AND IDEAS ACROSS INTERNATIONAL BORDERS. THIS MEANS FREER TRAVEL AND AT LEAST REDUCED, IF NOT TERMINATED, JAMMING AND CENSORSHIP. THIS IS BY NO MEANS AN EXCLUSIVE LIST OF MEANINGFUL IMPROVEMENTS.

WE LOOK FORWARD TO WORKING TOGETHER WITH OUR WITNESSES AND THE ORGANIZATIONS THEY REPRESENT AS THIS IMPORTANT YEAR UNFOLDS. WITH YOUR COOPERATION AND ASSISTANCE, WE WILL DO OUR BEST TO MAKE CERTAIN THE UNITED STATES TAKES EVERY

FEASIBLE STEP TO ACHIEVE THESE LASTING CHANGES IN SOVIET HUMAN RIGHTS PRACTICES.

WE MUST MAKE CERTAIN THAT OUR STATE DEPARTMENT, OUR ALLIES, OUR FRIENDS, AND THE SOVIET UNION AND ITS WARSAW PACT ALLIES ALL CLEARLY REALIZE THAT OUR OBJECTIVE IS NOT MORE AGREEMENTS - IT IS COMPLIANCE WITH ALREADY SIGNED AGREEMENTS. WE MUST NOT SURRENDER TO HYPOCRISY, PAPERING OVER SYSTEMATIC, DISDAINFUL VIOLATIONS OF PAST COMMITMENTS WITH NEW AGREEMENTS. IF WE TOLERATE SUCH A COURSE OF ACTION, WE DEMONSTRATE A CYNICAL CONTEMPT FOR OUR OWN BASIC PRINCIPLES WHICH MUST BE MORE DAMAGING TO US IN THE LONG RUN THAN ANY COMBINATION OF SOVIET LIES, DECEPTIONS, AND BARBARITIES.

THIS COMMISSION WILL WORK TO ENSURE A CONTINUED U.S. COMMITMENT TO HONESTY, FRANKNESS, AND CONSTANT ADHERENCE TO OUR BASIC PRINCIPLES. THE TRUTH IS THE STRONGEST WEAPON IN OUR ARSENAL. WE MUST USE IT, AND USE IT WELL.

WE WILL PRESS THE STATE DEPARTMENT TO RETURN TO THEIR PAST PRACTICE OF INCLUDING REPRESENTATIVES OF NON-GOVERNMENTAL ORGANIZATIONS AND PROMINENT PRIVATE CITIZENS AS PUBLIC DELEGATES ON THE OFFICIAL U.S. DELEGATIONS TO BERN AND VIENNA. WE RECOGNIZE THE CENTRAL ROLE PUBLIC DIPLOMACY MUST PLAY IN BOTH ACHIEVING THE GOALS OF THE HELSINKI PROCESS AND IN SUSTAINING ITS CREDIBILITY WITH THE PUBLIC. TO ENSURE SUCCESSFUL PUBLIC DIPLOMACY, WE NEED YOUR HELP AND YOUR

SUPPORT. WE NEED TO REINFORCE OUR EFFORTS AS COMMISSIONERS WITH YOUR EFFORTS AS PRIVATE CITIZENS AND AS ORGANIZATIONS, AS WE SEEK TO SPREAD THE WORD ABOUT HUMAN RIGHTS.

WE SEEK YOUR COMMENTS, YOUR ADVICE, AND YOUR COUNSEL AS WE MOVE AHEAD. WE WILL LISTEN CLOSELY TO YOUR VIEWS THIS MORNING, HOPING TO BEGIN THIS CRITICAL YEAR IN CLOSE AND EFFECTIVE COOPERATION.

BEFORE WE HEAR YOUR THOUGHTS, I WILL TURN TO MY DISTINGUISHED CO-CHAIRMAN, CONGRESSMAN STENY HOYER OF MARYLAND, FOR ANY OPENING REMARKS HE MAY HAVE.

CONGRESSMAN HOYER.

STATEMENT OF COCHAIRMAN HOYER

Cochairman HOYER. Thank you very much, Mr. Chairman. I appreciate the opportunity to do so but I do not want to take time to make a formal statement. I want to thank our witnesses who represent a number of the leading nongovernmental organizations in this country and, indeed, in the world.

Mark, I believe in your testimony you observe that one of the unique features of our democracy is the participation of individuals from the private sector in the public's business, which we perceive in our democracy as being collective business.

Certainly central to our democracy is a commitment to human rights, and I think we would be remiss as a commission, which is one of the governmental arms, not to thank each one of you individually and to thank you collectively in terms of the individuals whom you represent, for giving of your time and demonstrating your commitment.

Indeed, if it were not for the work of the groups that you represent and other nongovernmental organizations who have testified before us, all of whom have worked tirelessly in an effort to keep human rights on the agenda not only of this Nation, but on the agenda of international organizations in general. So I am very pleased to have this opportunity to hear from each of you who represent so many thousands of people in this country and, indeed, in other parts of the world who, along with so many others, have worked to keep human rights on the front burner.

In particular, Mr. Smorodsky, you were a public delegate at Madrid; others of you have worked very closely with our delegations at various international meetings. I would be very interested, and some of you do speak to this in your statements, in hearing your observations with respect to the utility and impact of public members.

It is, of course, again, uniquely an American phenomenon, though not exclusively, it is a principle of the Commission that we want to include private sector people. As a matter of fact, the Chairman and I look forward to doing that and encouraging the administration and State Department on a continuing basis to broaden participation by representatives of nongovernmental organizations to the broadest extent possible as to their own activities at international sites where we have meetings, and of course, lamentably, as you know, we had some problems in Budapest as well as including them on U.S. delegations. We hope to preclude similar problems in the future, but I would be interested in your thoughts with respect to the utility of public members on our delegation.

With those observations and expression of thanks to each of our witnesses on behalf of the Commission and the Congress for the work that you do, I look forward to hearing what you have to say.

Thank you, Mr. Chairman.

Chairman D'AMATO. Thank you, Congressman.

Mr. Smorodsky, Mike, it is good to see you.

Mr. SMORODSKY. It is good to see you, sir.

STATEMENT OF MYROSLAW SMORODSKY, WORLD CONGRESS OF FREE UKRAINIANS

Mr. SMORODSKY. Mr. Chairman, Commissioner Hoyer, it is indeed a pleasure and an honor for me to be here today as a representative of the Human Rights Commission, World Congress of Free Ukrainians.

I would like to thank the Commission for this opportunity to present our views on the Helsinki process. Since its creation, this Commission has proven to our organization, and I am sure to all other nongovernmental organizations, its deep commitment to the cause of human rights throughout the world.

As a former public member at the Madrid Conference, I had the opportunity to work closely with many members of your staff. I would like to commend them for their high degree of competence, insight, and sensitivity to the intricate issues of the CSCE process, especially their sensitivity to individual, national, and human rights issues.

The purpose of these hearings is to focus on how the CSCE fits into the overall mosaic of East-West diplomacy, as well as how the Helsinki process can best serve the cause of human rights, and to suggest some policy initiatives that the Commission may take toward this end.

It is clear that within the 10-year period of the existence of the CSCE, concrete, positive advancements for the cause of human rights have occurred. The Helsinki process has been reaffirmed as an appropriate forum for comprehensive and probing discussions of violations of human rights by the Soviet Union and the Eastern bloc has been forced to discuss issues which they would prefer to avoid.

The Final Act has been established as an international standard to which participating states can be held accountable. Moreover, NATO unity, for the time being, has been preserved and strengthened on issues of individual and human rights.

However, one basic fact cannot be denied. The Helsinki process, with all of its positive achievements, has not caused the Soviet Union to improve its individual and human rights record, not even one iota. To the contrary, repression within the U.S.S.R. has been accelerated at an ever-increasing pace.

Members of the Helsinki monitoring groups within the Soviet Union, who stake their lives and hopes on the principles of the Final Act in the early stages of the Helsinki process, have been silenced. For example, of the 37 members of the Ukrainian Monitoring Group, within the last 2 years 3 have been silenced by death during incarceration, and all but 1 of the remaining 34 have been silenced by long-term imprisonment and/or by exile.

The Ukrainian Catholic Church and the Ukrainian Orthodox Church remain outlawed and their followers persecuted more harshly than ever before. Two leading members of the Ukrainian Catholic Initiative Group, Yosyf Terelya and Wasyl Kobryn, have been sentenced to long terms of imprisonment for practicing their religious beliefs.

Other religious denominations likewise continue to be repressed and harassed. Immigration from the Soviet Union has dried up from a trickle to an occasional drop in the bucket.

Individual expressions of concepts, such as self-determination and cultural freedom of nations, concepts recognized by the signatories of the Final Act, including the Soviet Union, as guiding principles, are punished by the Soviet Government with lightening swiftness.

Reciprocation of the Ukrainian culture and language, as well as other national groups, is rampant. Additionally, the armies of the Soviet Union still occupy Afghanistan.

This Commission has voluminous, detailed evidence of these violations, and I do not think it necessary for me to elaborate any further. Clearly, human rights rhetoric and public criticism in and of itself did not, will not, and cannot change the behavior of the Soviet Union on issues of individual, human and national rights. Something more is needed.

In reviewing Soviet domestic behavior and its diplomatic performances during the various CSCE review and experts' meetings, it is clear that the Soviet Union has a very definite, fourfold objective for which it is willing to pay the price of negative public criticism of its human rights record.

These objectives are:

1.—To dismember Western unity with regard to the CSCE process and establish bilateral détente with Western and nonaligned countries and, thus, isolate the United States as an ideological leader of the West;

2.—To exploit the CSCE process by obtaining favorable public response to new proposals of interest to it in the security and economic spheres;

3.—To lay the blame for any failure of the Helsinki process at the feet of the West, specifically the United States;

4.—Along the way to limit public exposure of its human rights violations as much as possible.

Toward these ends, the Soviet Union has stonewalled any meaningful advancement of human rights, including documents of the Ottawa and Budapest experts' meetings and within the review conferences of Belgrade and Madrid.

It is anticipated, however, that a different result will be achieved in Stockholm, since in this area, security, the Soviet Union has a very definite and specific interest.

We now find ourselves on the threshold of the Vienna Review Conference. We also find ourselves at crossroads in the Helsinki process. What course of action should the United States take in its policy toward the Soviet Union and CSCE?

There are those who feel that because of the blatant violations of human rights by the Soviet Union, the United States should unilaterally renounce the CSCE process until such time that actual and positive advancements are made in these areas by the U.S.S.R. according to this school of thought, such action would force the Soviet Union into compliance with principles of the Helsinki accords.

I most respectfully submit that such renunciation would be a grave error. By such action we ourselves would achieve for the Soviet Union its prime objectives. Western unity would be dismembered. The responsibility for the demise of the CSCE process would be laid at our feet, and in all probability, the CSCE process in diluted form would continue without our participation.

In essence, the Soviet Union will have achieved an opportunity to establish bilateral détente with Western and nonaligned countries, and it will have isolated the United States from direct leadership and could, therefore, more easily exploit advantageous proposals in the security and economic fields.

On the other hand, there are those even among our allies who advocate that the CSCE process develop advancements in areas such as security and economics where agreement can be reached and suggest that advancement in human rights await some future, more appropriate time. They argue that to maintain Western unity, advancements in noncontroversial areas must be permitted so as to appease European desires for progress in the Helsinki process.

If we permit the development of advancements in the economic, scientific, and security fields without having equally balanced advancements in the area of individual, human and national rights, in that event we as a country will have committed an even greater error than by unilateral renunciation. We will have permitted the Soviet Union to achieve their goal of extracting from the Helsinki process aspects that are advantageous to it, but only paying a small price of occasional public criticism of its lamentable human rights record.

We would be sacrificing our moral and philosophical principles on the alter of Western unity.

What I am suggesting, ladies and gentlemen, is that the United States realign in a very positive and affirmative manner its strategy toward the Soviet Union. Our policy must be directed at something much more than periodic public review and criticism of the Soviet Union's record on individual and human rights.

I submit that the cornerstone of this strategy must be a very definite and specific linkage between advancement in the areas of individual, human and national rights within the Soviet Union itself, and advancements in other spheres, such as security, economics, science, or cultural exchange.

To be truly effective, this policy of linkage must be uniform throughout our entire foreign policy toward the Soviet Union and not merely restricted to the CSCE process.

With regards to the Helsinki accords, linkage will assure that failure to achieve new proposals within the CSCE process will be the responsibility of the Soviet Union for refusing to agree to advancements within the human rights area. If no balanced concessions are given in the area of human rights by the Soviet Union, the responsibility for the future of the CSCE process will rest squarely on their shoulders.

If, per chance, advancement will be forthcoming, the United States will thereby achieve a political and ideological victory.

However, the new proposals in the humanitarian fields to which the Soviet Union may agree must be significant and meaningful and must be similar in scope to the new proposals accepted in the security and economic fields.

Toward this end, it is respectfully submitted that the following steps be taken at the Vienna Review Conference in implementing linkage.

First, the United States should continue to invoke the CSCE process to thoroughly review the Soviet violations of individual, human and national rights. We should continue to name individuals who are persecuted and point to specific violations where Soviet behavior is blatant.

The Human Rights Commission, World Congress of Free Ukrainians requests that the United States delegation in Vienna place greater effort and continued pressure on the importance of religious freedom in Ukraine, particularly freedom of Ukrainian Catholics and Orthodox to openly practice their religion, teach their children religious doctrine, to be able to have their own clergy, and to continue the age old tradition of monastic life. This is especially urgent now since in 2 years Ukrainians will be celebrating their millennium of Christianity.

Moreover, a decisive and consistent United States policy toward self-determination for Ukraine must be established. Principle VIII of the Helsinki Accord states: "The participating states will respect the equal rights of peoples and their right to self-determination."

We must not be afraid to use the word "self-determination" in the CSCE process, especially since it is a right to which all signatories of the Final Act swore allegiance.

The Human Rights Commission, World Congress of Free Ukrainians will submit a detailed brief on these and other specific issues previously mentioned to this Commission prior to the inception of the Vienna Conference.

Second, with respect to linkage, we must realize that at present diplomatic momentum of the Stockholm Conference is toward the establishment of an agreement which will contain advances in military confidence-building measures and will probably contain nonuse of force language, the latter having been a long-standing Soviet propaganda goal. Not surprisingly, Stockholm will probably be the only experts' meeting that will conclude with definite advancements, since the Soviets obviously have a very active interest in this particular field.

It should also be noted that the issue of linkage of the CDE with the rest of the CSCE process, especially individual and human rights, has not been prominent in the speeches of our NATO allies in Stockholm. Even the United States has only lightly mentioned the subject.

The difficulty with this situation is that we will enter the Vienna talks with a stalemate in the human rights and humanitarian areas and substantial advancement in the military/security fields. Thus, the Eastern bloc will have achieved its objective of unbalancing the entire Helsinki process.

The United States must make it very clear in Stockholm and in Vienna that achievements in CBM's can be agreed to only if balanced, specific and equally significant advancements are made in the individual and human rights field.

In Ottawa, the NATO allies put forward as their proposed concluding document OME-47, which they considered as a fundament for advancement in the individual and human rights field. The

Eastern bloc rejected not only this proposal, but even went so far as to block a recommendation that the Vienna Conference even consider holding another experts' meeting on human rights.

It is respectfully submitted that the United States must take the position that no CDE Agreement can be entered into unless human rights advancements, such as OME-47, are also agreed to. The CDE Conference cannot be reconvened after Vienna unless a human rights conference of equal magnitude and scope is also reconvened.

But most important of all, there cannot be any implementation of CBM's until and unless there is implementation of advancements equal in magnitude and substance in the human rights field.

On various occasions representatives of our Government have stated human rights, peace and security are inseparable, and that the principles of the Helsinki Final Act are of primary significance and, therefore, equally and unreservedly applied. If we truly believe in what we say, then the United States must convince its Western allies that a strong policy of linkage is absolutely necessary to achieve stability, security and peace on the European Continent. We must convince our allies that any other course of action by the West will achieve for the Soviets their political objectives without affecting the totalitarian and repressive nature of the Soviet Union.

It is this nature which has permitted the Soviet Union to extend its geopolitical, military and ideological influence throughout the world and, thus, destabilize security in Europe.

Moreover, we must be prepared in Vienna to steadfastly maintain our position of linkage, even if it requires the review conference to continue for an indeterminate period of time, or even if we find ourselves as the sole proponents of linkage.

At the time of the signing of the Final Act, President Ford said, "History will judge this conference not by what we can say here today but what we do tomorrow, not by the promises we make but by the promises we keep."

In Vienna there is no question that the Soviet Union will not keep its promises vis-a-vis individual, human and national rights or the CSCE process. The issue in Vienna is: Will we keep our promises?

Thank you.

Chairman D'Amato. Thank you very much, Mike.

Vera Politis, thank you. It is good to see you and thank you for being here.

Vera represents the Congress of Russian Americans.

STATEMENT OF VERA POLITIS, CONGRESS OF RUSSIAN AMERICANS

Ms. Politis. May I make a comment off the record? We have received this invitation last Friday only. I was called Friday night. I was committed for the weekend for something else. I had only 2 days to prepare this document. So I would like to have an extension to submit a revised paper.

Chairman D'Amato. Let me say now that we will hold the record open for at least 10 days for any and all, not only the witnesses who wish to supplement their testimony, but anyone else who might want to make known their views, particularly in relationship, as we have said, to the upcoming conferences, what they feel should be the thrust of our position, our Government position, how to approach them, and we would be deeply appreciative.

Ms. POLITIS. Thank you very much.

Mr. Chairman, members of the Commission, I appreciate the opportunity to appear before this distinguished Commission on behalf of the Congress of Russian Americans and its National Human Rights Committee, which I chair, to present our views on how CSCE can best serve the cause of human rights, specifically on policy initiatives the United States might pursue at the upcoming Vienna Review Conference and in the East-West diplomacy overall.

First, I would like to state that our organization, the Congress of Russian Americans, consists of Russians, Ukrainians, Bielorussians, Caucasians and other ethnic representatives who comprise the population of the U.S.S.R. What unites us is our Russian Orthodox faith, our 1,000 year old common Russian geopolitical heritage and our uncompromising rejection of any and all varieties of Communist and Marxist ideology.

My own origin is Ukrainian. I have lost many members of my family under the Soviet international communism. I have lost my grandparents during the forcible collectivation and subsequent famine. I have lost my uncles who were shot by the early militant Communists, and I have lost my beloved father who was a victim of a Communist holocaust, having been liquidated in the NKVD building, which the Soviet Secret Police blew up together with the political prisoners inside.

I can truly and regretfully claim to be a direct victim of the Soviet Communist terror. Expropriated, disfranchised of all human rights, its many members exterminated by the Soviet clique of international Marxists, my family clan shrank from several scores to a bare three individuals.

No wonder then that I and many of my associates in the Congress of Russian Americans, who have experienced similar fate under Soviet communism, are shocked and outraged with those who either through ignorance, misinformation or racial bigotry and prejudice find a scapegoat in the Russian people by attributing all Communist atrocities and policies of Soviet internationalists solely to the Russian ethnic group in the Soviet Union.

I presented to you this brief sketch of my background so that you may better understand and judge the text of my testimony to follow.

The survival of a political repressive structure, such as the Soviet Communist system is, depends entirely on legalized and enforced provisions that exclude human rights the way we understand them in the West. The Soviets realize this fact very well, and it is exactly for this reason that the Soviet Communist leadership resents and resists the Western overtures about human rights in the U.S.S.R., calling them "interference in the internal affairs of the Soviet Union."

In the light of this bitter reality, what can the Western governments and the United States, in particular, do to promote the implementation of the multifaceted humane paragraphs of the Helsinki accords to which the Soviet Union is one of the 35 signatories?

The United States and this Commission, Mr. Chairman, must demand of the Soviet Union absolute compliance with the human rights provisions of the Helsinki Final Act. At the same time realizing that it is highly unlikely that the Soviets will comply of their own accord, we should be prepared to use a policy of penalties when no progress is being made and rewards when some progress is made.

Firmness, persistence and patience will be required for this policy to bear fruit. All Soviet compliance violations must be presented to the Soviets and redress demanded. Such violations most of the time will be individual cases that come to our attention. This, in turn, necessitates the closest possible monitoring of human rights conditions in the Soviet Union. This is an area where our organization can be of great assistance to your committee.

It is truly a Herculean task to fight for human rights in the Soviet Union. Yet it is precisely these difficulties that ought to motivate our work toward change within the Soviet repressive system. It is our strong conviction that temporary and ephemeral successes, including limited emigration, cultural exchanges, certain trade agreements and the like, which may seem to be gratifying at the time, do hardly respond to the longstanding yearning for freedom from oppressive communism by the millions living behind the Iron Curtain.

It seems to us that if our Government and our Congress are openly supporting, indeed demanding, respect for human rights, democratic institutions and free elections in countries like the Philippines, South Africa, and Chile, we should show no less concern about the rights of the multimillions living under the tyrannical Communist dictatorship.

They, too, wish to live in freedom and deserve our Government's intercession on their behalf, in spite of the hysterical pronouncement of many Soviet experts that we dare not challenge the Soviet dictatorship.

In other words, some of our Sovietologists, either from extreme caution or from appeasement complex, continue to advocate compromises which more often than not result in foreign policy failures. The map of the world is a poignant illustration of the territorial losses suffered by the free world as a result of such appeasement attitudes in our foreign policy.

There is no substitute for resolute courage, be it in personal life or in diplomatic encounters. Why should we deprive ourselves of the right to be firm when fighting for human rights, justice, freedom, and peace with dignity?

We do not advocate military confrontation. That would be insane. We do propose, however, that a long-range strategy be formulated which would assist those in the Soviet Union and its satellites who genuinely strive for democratic change.

We strongly believe that a free government and its representatives are under moral duty to advance the cause of freedom, guided if not from the feeling of Christian compassion and love, then from a pragmatic sense of self-preservation.

Over the past 10 years, we have regretfully noted that the plight of Russian Orthodox dissidents has received lukewarm support by the staff of this Commission. It is difficult even to try to rationalize such injustice.

Therefore, the first and foremost of our requests to you, Mr. Chairman, is that this Commission should treat all captive peoples in the Soviet Union with the same concern and use the same pressure when discussing with the Soviet officials problems of emigration and when requesting freedom for men and women imprisoned in the Soviet Union. We would like to request your intercession with the State Department to follow the same policy.

We feel that it is vital for our national interests that our Government and our Congress make every effort and use every opportunity to assure the Russian people in the Soviet Union that we understand their tragic plight under the totalitarian monolithic system and wish for the day when all the captive peoples of the Soviet Union will regain their freedom and with it their human rights and their human dignity.

The Congress of Russian Americans views with great concern the forthcoming review meeting of the Helsinki accords to be held in Vienna next November. Any negotiations with the Soviet authorities call for a great deal of patience, perserverance, intimate knowledge of the Soviet history and Soviet mentality and skillful diplomacy. It is an extraordinarily difficult task.

We would like at this time to enumerate certain concrete proposals which the Congress of Russian Americans considers to be of vital importance to the effective process in East-West diplomacy. These proposals will be listed in the order of their priorities.

Point 1: The significance of observing nondiscriminatory practices by the Commission staff has already been stressed. Equal treatment should be accorded to each Soviet case of human rights violations, regardless of his or her national or religious origin. The CSCE Digest in its reference to individuals should follow the same standards in each case.

First, if the CSCE Digest editors choose to identify political prisoners or human rights violation cases by a person's national affiliation followed by his name or by stating his name with the later reference to his nationality, then this practice should apply also to all individuals of Russian nationality.

Second, failing to identify a Russian person by his nationality, while identifying all other cases by their respective nationality, creates an impression that there are no Russian people who may be arrested and in need of our assistance. As it is done now by the CSCE editors, a Russian prisoner is referred to by the Digest either as Soviet, human rights activist, Soviet dissident, or simply as a case of religious persecution.

Point 2: We are bitterly disappointed that the case of Igor Ogurtsov, the most outstanding case of human rights violation in the Soviet Union, has received almost no support by the CSCE Commission staff and the State Department offices.

Ogurtsov, the most prominent Russian Orthodox dissident, imprisoned since 1967 and serving the last year of his 20-year long sentence in KOMI ASSR, needs our help desperately.

Two congressional resolutions have been adopted dealing solely with Ogurtsov's fate and requesting immigration for him and his parents. Senate Resolution 294 has been unanimously approved by the U.S. Senate on June 27, 1984, and House Resolution 76 has been unanimously adopted by the U.S. House of Representatives December 16, 1985. As far as we can tell from the literature we receive from the CSCE, not a word has been published about the adoption of these important resolutions.

Mr. Chairman, we would like to express our gratitude to you personally for your statement you made on February 23, 1984, in support of Senate Resolution 294. We now appeal that you request the Soviet authorities to grant Igor Ogurtsov permission to emigrate from the Soviet Union. We also would like to convey to you Ogurtsov's deep gratitude for all you have done and may be doing on his behalf. We are in direct contact with Mr. Ogurtsov, and I have talked to him on the phone. He is serving in exile presently. I talked to him on the phone last week, and I would like to convey to you, Mr. Chairman, his gratitude.

Point 3: Demand general amnesty for all Soviet political prisoners, beginning with two prominent Russian dissidents: the one I mentioned, Igor Ogurtsov, and of course Andrei Sakharov, interned in the city of Gorki. Request immediate freedom and emigration for these two outstanding scholars and human beings.

Point 4: Request emigration rights for Myroslav Medvid and instruct our Embassy in Moscow to get in touch with him for the purpose of assisting him.

Now, I find that the *Medvid* case is really a case that should be pursued, and we should do something to help this poor man. His deportation was done through our negligence, and we have to attend to his case. I feel very strongly about it.

Point 5: Contribute your expertise in the area of humanitarian endeavor to improve our State Department policies on questions of defection from the Soviet Union and in humane treatment of all Soviet future defectors who may ask for asylum in America.

Point 6: Demand emigration rights from the Soviet authorities for all who wish to leave the Soviet Union. Insist that the basic human right to emigrate should be given to any Soviet subject who requests it, and regardless of his/her national origin. Treat the emigration question not as a privilege, but as a fundamental human right for anyone who wants to exercise this right.

Point 7: Request freedom and emigration for former and present Russian Orthodox and other political prisoners, and I follow with a number of 36 names, Soviet Russian dissidents' names, and include all others who feel they may need to emigrate.

Point 8: Demand that the Soviet authorities allow free exchange of ideas and stop confiscating religious and other literature which Western travelers may bring with them into the Soviet Union.

Point 9: Demand the removal of exorbitant Soviet postal tariff on parcels with food, medicine, and clothing in noncommercial quantities that have been sent on humanitarian ground.

Point 10: Demand unrestricted travel abroad for personal or professional reasons or on an invitation from Western friends or relatives.

Point 11: Request that the Western book publishers be permitted to display religious and philosophical literature at the book fairs and shows in the Soviet Union without undue restraint.

And, then, I have specific suggestions relating to the foreign policy and East-West diplomacy, and I have a condition here: Any initiative that is being taken by our Government and CSCE vis-a-vis U.S.S.R. should be conceived and conducted in the spirit of a long-range effect on our national interests and security.

Point 1: While constantly bearing in mind our national security, when dealing with or discussing our national defense and military priorities, do it with reasonable control and quietly to minimize the global publicity hysteria which is being used by the Soviets to our great disadvantage. The Soviet press skillfully and cunningly utilizes our open debate on military and defense measures. They stir up their citizens against so-called militaristic imperialism or militaristic complexes, as they call it, of the USA which they allege poses a great threat to their land.

Point 2: Keep assuring the Soviet people that the United States is a peace-loving nation and that we have no intentions to start war against the Soviet Union. This must be done on a regular basis through Radio Free Europe, Radio Liberty, Voice of America programs, and other means at our disposal for similar purposes.

Point 3: Demand withdrawal of Soviet troops from Afghanistan.

Point 4: Create an office which would deal with the pressing problem of giving political asylum to Soviet defectors and prisoners in Afghanistan who request such asylum. Various relief groups which visited these Soviet prisoners describe their situation as totally hopeless and tragic. It is our strong conviction that the CSCE should take initiative in this urgent human rights problem, knowing full well that the Soviet authorities do not recognize the existence of any Soviet prisoner and have been merciless toward anyone who is taken prisoner, especially so toward those who dared to oppose this brutal war against the Afghani people by defecting the Soviet units.

Point 5: Appoint a special human rights monitor at our embassies and consulates in all the 35 signatory countries to monitor compliance with the Helsinki accords in those countries.

Point 6: Create a permanent special committee attached to the CSCE and consisting of the representatives of various nongovernmental ethnic organizations that have a special interest in the area of human rights.

Point 7: Invite one or two members of the Congress of Russian Americans to be part of the United States delegation to the Congress on Security and Cooperation in Europe Vienna Review Meeting. Now, that point I consider to be very important in view of the fact that we are of Russian background. We do represent Russian American organizations. We do know the mentality of the Soviet people, and I think we can be very effective in helping you to negotiate whatever you may want to negotiate directly while being there with you.

Penalties for noncompliance with the Helsinki accords provisions:

Point 1: No new agreements desired by the Soviet Union should be concluded unless the Soviet Union has complied with previous agreements.

And I would like to conclude with this. On May 7, 1984, Secretary of State Mr. George Shultz, made a speech in Peoria, IL. I would like to conclude my testimony with the Secretary's words, and I quote.

> Our human rights policy is a pragmatic policy which aims not at striking poses but at having a practical effect on the well-being of real people. It is a tough-minded policy, which faces the world as it is, not as we might wish or imagine it to be. At the same time, it is an idealistic policy, which expresses the continuing commitment of the United States to the cause of liberty and the alleviation of suffering. It is precisely this combination of practicality and idealism that has marked American statesmanship at its best.

It is our hope, Mr. Chairman, that this policy will, indeed, succeed in restoring human rights and liberty for the Russian and other people who live in Communist captivity.

Thank you.

Chairman D'AMATO. Vera, let me thank you for your very comprehensive presentation. Not only do you raise a number of very valid points and issues which I have found distressing, and I know that my colleague, Senator Humphrey, as it relates to Afghanistan and the policies relating to Medvid and, in addition, others who seek asylum, and Congressman Hoyer, but you come forward with a number of very constructive suggestions.

You know, it is one thing just to raise issues, and it is another to come forward with constructive suggestions, and I can assure you that on a number of them some work has begun, and you have certainly raised issues which I, as the chairman, and I know the other Commission members feel very strongly about and we will look at very carefully with a view toward attempting to implement.

Ms. POLITIS. Mr. Chairman, may I just add something? Especially when you refer to all of the human rights violations, please include people of Russian nationality. At least say the word "Russian" because there are thousands of Russian people who are in prison, and they need our help just as much as other people need our help, and we would appreciate it if you would do that. I think we are doing this for the sake of those millions who live behind the Iron Curtain because if they perceive our Commission to be one-sided, that is certainly against our national interests.

Chairman D'AMATO. Mark Epstein, it is good to see you.

STATEMENT OF MARK EPSTEIN, UNION OF COUNCILS FOR SOVIET JEWS

Mr. EPSTEIN. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Cochairman, honorable members of the Commission, ladies and gentlemen, on behalf of the Union of Councils for Soviet Jews [UCSJ], I thank you for the opportunity to testify today regarding the Helsinki accords and their implementation.

The Union of Councils for Soviet Jews, a grassroots organization with 55,000 members, 40 member councils, and a number of foreign affiliates, has taken great interest in the Helsinki process since its inception. Members of the UCSJ leadership and staff have been in attendance at every major meeting and every major international event associated with the Helsinki process. In Madrid, we maintained a professionally staffed office, the Robert F. Drinan Human Rights Center, and UCSJ leaders visited frequently. We were in regular contact with the U.S. delegation under Ambassador Kampelman, as well as with foreign delegations. I cannot emphasize strongly enough the importance of this contact and the access to the U.S. delegation which such intimate cooperation was made possible.

I believe the Helsinki Commission itself, then under Chairman Fascell and Staff Director Oliver, not only facilitated the relationship between the Union of Councils for Soviet Jews and other nongovernmental organizations on the one hand, and the American delegation on the other, but, indeed, lent legitimacy and support to the very concept.

It strikes me as one of the most distinctive features of American democracy that we, unlike perhaps any other nation in the world, have a strong tradition of public diplomacy. Public figures of distinction take time from their professional lives for diplomatic and other responsibilities in administrations of both parties, and let me interject at this point; we await with interest the announcement of an Ambassador to Vienna.

DeToqueville was correct in his observation about the distinctiveness of American society for its many organizations and the active participation of its citizens in public life; I believe that the Helsinki meetings, where private organizations and citizens are permitted an active role in shaping our Government's policies, are a high point in American democracy. If Congress is the voice of the people, so the Commission is the advocate for allowing that voice to be heard in the arena of human rights, a matter of deep foreign policy concern derived directly from our basic political values and our own Constitution.

A criticism often leveled at us by other nations, including some of our closest allies, regards what they perceive as cur naive desire to change the world and cast it in our own image, saying that we proselytize among them, hoping they will adopt an American view of the world. I believe there is no greater tribute to this Nation and its values than that, through our public institutions, we express our views on these most fundamental human values. In that context, let me say that we are extremely supportive of what the Commission and its staff have tried to undertake in working with our allies in Western Europe.

In discussions of the Helsinki process and its application, its effectiveness and its value for the world and for the United States, no one can overlook the question of balance between our ability to speak out in recognized public fora on human rights issues and the perceived concessions which were made in order to establish the rules and the system under which the dialog is conducted. That question is central to this discussion.

Without seeming immodest, I believe I can say that no organization has felt as keenly or wept as profoundly for the fate and the sufferings of those in the Soviet Union who took up the gauntlet and were willing, in public and in private, to monitor as best they could, performance under the Helsinki accords. The names of Orlov and Shcharansky have been spoken by us, published by us, repeated by us on so many occasions that they were and are central to our work and our existence.

Critics would argue that it was a false hope held out by the West to our brethren in the Soviet Union, which emboldened them beyond prudence and contributed unwittingly to their suppression, their incarceration, and in many cases to the destruction of their physical and mental health. I am not convinced that anyone can say "we are right and you are wrong" on issues of moral import, where fine judgment is required and where cause and effect are indeterminate.

However, there is no doubt in my mind that those who reached out to us and to their fellows in their own society did so fully conscious of the risk. In 16 years of active work and daily contact with Jewish refuseniks in the Soviet Union, one thing is abundantly clear to the Union of Councils for Soviet Jews: The people with whom we deal and on whose behalf we try to inform the world and, indeed, whose battle we try to fight with them, are not naive, are not unaware of the consequences of their decisions and their acts. Like us, none of them has perfect vision into the future to predict events, but they know whence they speak.

In choosing their course and insisting upon the right to emigrate and to practice their own culture, rights guaranteed under the Helsinki accords, they are expressing their faith in us and in our country and, indeed, in this Commission, asking that we pursue their best interests as they themselves define them.

Another issue central to the debate which has surrounded the Helsinki process, as it has come to be known, is whether we have granted legitimacy to Soviet aspirations, to the existing borders in Europe and, indeed, to the practices of that and other governments, by the very fact of meeting with them and, on occasion, even agreeing to certain written accords with them.

It remains my belief and that of the UCSJ that the opportunity to call the Soviet Union to account for its actions, to be able to hold them responsible before the international community for their violations of human rights, is extremely important. Let me interpolate at this point, Mr. Chairman, that we will be submitting extensive written material to this Commission and to the Department of State before the record closes, for use at Bern, documenting specific cases of human rights violations in the areas of telecommunications, postal communications, and certain issues of the application of Soviet law within the Soviet Union, and we will have fully documented legal briefs accompanying that material.

For those who believe that by engaging in the dialog we unwittingly or by default legitimize Soviet actions need only pause and consider for a moment the immense resources which the Soviet Union expends in promoting its own case and its own view of the world in the United Nations and in other fora. The Soviets, are extremely concerned about what the world thinks of them and have a strong need for legitimacy and acceptance in the world. I believe it far better, and far more damaging to their case, indeed, more damaging to their status in the world, to hold them to account before the colleagues and nations whom they wish to impress, rather than allowing them to dominate the field unchallenged. This is not an oblique, but a direct call for a vigorous statement at Bern and vigorous statements at Vienna, under the leadership of the chairman of the U.S. delegation, to document and to call them to task on as many cases as we can, but without losing sight of the large issue that must be addressed. It is inappropriate for us to be waylaid by individual cases without dealing with the issue as a whole.

In the recent experts' meetings leading up to the review conference in Vienna, it has been impossible to reach an accommodation between East and West on a final document. In Ottawa, it seemed nearly possible, and even some East bloc nations were willing to accept a document prepared by the neutral countries, which the Soviet Union found unacceptable.

While far too little public attention was paid to the proceedings in Ottawa, and there was some improvement at Budapest, I believe, nonetheless, that we isolated and identified the Soviets as the main obstacle to that common document. I would say that it is, indeed, one of our primary tasks at Bern and subsequently at Vienna to improve on that record, and I welcome the chairman's and cochairman's previous comments in that respect. We do not legitimize Soviet practices by speaking with them or negotiating with them, only were we to weaken and to agree to unacceptable documents and false conclusions.

In an era when technology and when communications are the dominant themes, when the flow of information dictates the shape of our own society and the form which industrial progress will take, I believe it will become increasingly easy to disseminate our message within the Soviet Union and the East bloc, a phenomenon which they fear.

Whether Mr. Gorbachev will, in the end, decide that a proliferation of photocopy machines, small computers, video cassettes, and other means of disseminating information rapidly and in quantity is a price which must be paid for industrial development, or whether he and his colleagues will ultimately feel it too high a price to pay, it remains our task to keep open the means of contact with the people whose fate concerns us deeply and with the Soviet Government. Indeed, despite the best efforts of that Government, contact with its people does continue. For this to improve, and to achieve our ultimate goals, we must be able to press our case and to pursue our rights, in great measure under the umbrella of the Helsinki accords.

The debates and resolutions of the United Nations, and the very size of that organization compared to the Conference on Security and Cooperation in Europe, make it a much less useful forum for our interests in this area. It is only within the Helsinki process and during discussions of Helsinki issues that these questions are refined and are treated as part of the relationship between East and West, solely as part of that relationship. I believe it would be a great loss in prestige, of useful opportunities and of leverage over the Soviet Union were we to abandon the Helsinki process, indeed, were we even to weaken in our commitment to it.

One of the Soviet Union's greatest long-term strategic goals is, indeed, to undermine the Western alliance and to separate Europe of the West from Europe of the East. Hence, we have the opportunity to press our case in a context which the Soviet Union is extremely reluctant to abandon. It is for that reason, I think, and that reason alone, that they are willing to face our criticism, because of the great importance they place on that goal. It is that leverage which enables us to present our views and for which the Soviet Union is willing to undergo the public humiliation which accompanies the Helsinki discussion in the area of human rights. If we did not treat this in a serious fashion, they would not devote so much time and energy to propagandizing about it at home and abroad.

If one reviews the historical record and tries to assess whether the combination of private dialog, public discussions and activist pressure has produced results, I would urge the Commission and its members to look beyond the limited results of the last few years and to consider the situation as it might have seemed should the question have been posed in 1963, when some of the small councils, which a number of years later formed the Union of Councils for Soviet Jews, began to militate on behalf of Soviet Jews. Had one asked in 1963 or 1964 whether they or anyone else in this country believed it would be possible for large numbers of Jews to emigrate from the Soviet Union, I am sure the answer would have been "unlikely, impossible."

In truth, despite the heart-rending results in the years since the Soviet invasion of Afghanistan and the imposition of martial law in Poland, which had a debilitating effect on United States-Soviet relations generally, a quarter million Jews have left the Soviet Union. This does not mean that we should be satisfied with the current situation of repression, arrests, trials, and widespread harassment, but we must remind ourselves that there have also been some bright moments and gains. Who, indeed, was not moved by the sight of Anatoly Shcharansky finally free? While the task is not complete, there have been some results.

In summary, I believe the Helsinki process has, along with the Jackson-Vanik amendment to the U.S. Trade Act, produced remarkable and tangible results. I believe this Commission has been the central body and the most vigorous and successful vehicle for expressing the opinions of citizen organizations. By its very existence, and under the auspices of the U.S. Congress, the Commission enables private citizens to have a voice in the process. It is through the Commission that organizations such as our own can effectively participate in this process, and it is with the help of this Commission and its vigorous leadership that, in the finest tradition of American democracy, the people's voice is, indeed, heard.

I thank the members of the Commission for the opportunity to appear and to testify before them.

Chairman D'Amato. Thank you, Mark.

Jerry Goodman, representing the National Conference of Soviet Jewry. It is good to see you, Jerry.

STATEMENT OF JERRY GOODMAN, NATIONAL CONFERENCE ON SOVIET JEWRY

Mr. Goodman. Thank you, Senator.

Mr. Chairman, Commission members, I will not rely upon the text which you have in front of you, in the interest of time, and in any event, I suggest that you can certainly read it at leisure, if that be your will.

On behalf of the National Conference of Soviet Jewry, we welcome this opportunity to appear today and present some views concerning matters pending before this Commission.

Very briefly, although it is spelled out in detail in the document, the National Conference on Soviet Jewry is the instrument of the organized Jewish community working on behalf of the Soviet Jewry. Our membership consists of 42 national organizations and their memberships and nearly 300 local community councils, federations and committees. This represents the largest such network in the world, and through it, we reach every corner of organized Jewish life in the United States, and as I have suggested, for the record I have enclosed a list of our constituent agencies and community affiliates.

As we meet today, we, too, look forward with hope to a second meeting at the summit between President Ronald Reagan and Soviet leader Mikhail Gorbachev. We are painfully aware, however, that in the year since Mr. Gorbachev became General Secretary of the Soviet Communist Party, there has been no significant improvement in human rights matters, particularly in the position of Soviet Jews.

Indeed, in many respects, the situation has deteriorated even further. The hopes inspired by the signing of the Helsinki Final Act in 1975 have thus been further dimmed, even as we enter the second decade of its signing.

I have several obligations today, I suppose. One is to state our position regarding the Helsinki process for American policy; secondly, to offer suggestions regarding the forthcoming review session, especially in Vienna; and certainly to press the cause of the beleaguered Jewish minority in the Soviet Union within the context of American foreign policy concerns and the Helsinki process.

As I have indicated, the documents which I have submitted for the record to a great extent take care of the first two principles, and therefore, I need not repeat the text. I do want to stress, however, our views of the Helsinki process and offer some thoughts for the Vienna Conference to begin November 4.

It may be instructive for a brief review of the Helsinki Final Act. In August 1975, the 35 nations who met in Helsinki signed that final accord. Although the document was not legally binding, it did have some positive effects.

Furthermore, as a multilateral agreement, including the United States and the Soviet Union, it provided firm ground for congressional action on human rights issues and led to the creation of this very Commission.

The Final Act was happily received by many religious and nationality groups in the Soviet Union. Groups of citizens were formed to assure that compliance with the accords was maintained by the Government. Anatoly Shcharansky, Aleksandr Slepak and other Soviet Jews, for example, participated in the creation of these groups.

The Soviet authorities have attempted, however, to downplay the human rights aspect of the Final Act. By doing so, they have distorted the original intents of the accords. As an example, the Final

Act, in Principles VII and X, specifies that family reunification is grounds for immigration. Soviet officials, however, have twisted this to mean that only family reunification is a justifiable basis.

Since a negligible number of people leave, there are few relatives outside the Soviet Union who need reunification. Furthermore, permission is often denied to visa applicants because there are remaining relatives in the Soviet Union itself. In so doing, they cite the clause in the Helsinki accords which discourages separation of families.

The definition of "family" to the Soviets in terms of Jewish emigration, for example, includes only parents and children. Their own law and Soviet fundamental legislation on marriage and the family defines "family" as man and wife, parents and children, grandparents and "other members of a family." Indeed, they are in violation of their own laws and, in fact, the Soviet Union has kept hundreds of Jewish families separated from members in Israel and elsewhere.

In 1977, representatives of the participating countries met in Belgrade, Yugoslavia to review the process of compliance. The next review took place in Madrid in November 1980 and lasted for 3 years. It was the scene of bitter attacks by the Soviet Union when violations of human rights were cataloged, largely by the United States delegation, headed by Ambassador Max Kampelman.

In his final statement, he declared that the Kremlin is "engaged in acts of anti-Semitism" and repression that are worse than at any time since the Accord was signed in 1975.

At the Madrid meeting, the NATO countries offered 14 human rights amendments. However, the Soviet delegation refused to consider any of them. Since unanimous agreement was needed on the final document of the review conference, the United States and others had no choice but to accede to minimal statements.

On the surface, therefore, Moscow proclaims that it takes the Helsinki Final Act seriously, and it published the full text of the agreement in its press. The unofficial Helsinki monitoring group in the Soviet Union was brutally broken up by the KGB, its members imprisoned, exiled or driven underground. That, if nothing else, is an indication.

After 3 years of endless wrangling and Soviet stonewalling, the Madrid review session of the Helsinki accords ended with a meaningful, if limited, advance for human rights. Unlike the Belgrade review session in which the signatories reached agreement on nothing but a short document that carried no reference to human rights, the Madrid meeting resulted in one important and several smaller steps forward for human rights.

The crucially important advance was an agreement, over Soviet objections, to hold a conference of experts on the reunification of families under the rubric "human context," the meeting to take place in April in Bern.

Since the Kremlin has shut off virtually all emigration of Jews, along with Germans and Armenians, it is not surprising that the Soviet delegates fiercely opposed the future human rights meeting in which they would be clearly targeted as the violator of the Helsinki accords. The United States, however, was adamant, insisting upon a reunion of families conference that would focus upon emigration.

Although most of NATO and all of the neutral and nonaligned countries of Europe were prepared to cave-in to Soviet pressure to forgo the human rights conference, Ambassador Kampelman ultimately held the Western line through his persistent advocacy and determined leadership.

Yes, the agreement hardly solved the urgent moral issue, but it was a modest step, a modest contribution over the long run. The Madrid participants reached by consensus three other especially pertinent agreements on terrorism, religion, and immigration.

Why did the Kremlin, after considerable stonewalling, accept Western proposals? In my view, firstly, the Soviet Union badly wanted a conference on confidence-building measures, dealing mainly with surprise attack and disarmament. Such a conference would enable them to raise their concerns about Cruise and Pershing II missiles and schemes on nuclear weaponry and disarmament.

So anxious were they to have the desired conference, and this is instructive for the future, that Soviet officials dropped their own proposals on the subject and accepted a French one which would extend the reporting of military maneuvers even further into the Soviet Union, all the way to the Urals and, therefore, beyond the 150-mile limit originally spelled out in the Helsinki Final Act.

The West, under our strong leadership, insisted upon linking acceptance of the Soviet supported conference to a modicum of progress in the human rights field. When the Soviet Union found it could not break the Western resolve on the linkage principle, they ultimately acquiesced on human rights measures.

In the trade-off, the Kremlin won a conference on disarmament and confidence-building measures which had been scheduled for Stockholm. The Soviet Union originally wanted it scheduled prior to the December 1983 implacement of Cruise and Pershing II missiles, but they failed here as well.

A critical second reason was the diplomacy of Ambassador Max Kampelman who, while tactfully holding the NATO allies in line to a determined and principled position on human rights, skillfully sent a flow of public and private signals to the Soviet Union that a disarmament conference was conditioned upon progress in the human rights field.

Although Madrid failed to provide great progress for human rights, it managed to sustain the human rights agenda in a time of great international tension. As Ambassador Kampelman said, "Madrid confirms and expands upon the original Helsinki Final Act of 1975." It was, therefore, an important step in an ongoing series of meetings that would hopefully keep the Helsinki issues alive and, at the same time, strengthen the Helsinki process.

Let me compare this perhaps to the experience of Ottawa. In my view the Ottawa Experts' Meeting on Human Rights failed, I suspect, because it was caught up in the uncertain state of United States-Soviet relations at that moment. Therefore, in Madrid, what we attempted to do was keep the issues focused despite international tension; in other words, to keep the Helsinki process outside of other bilateral issues.

We have noted on other occasions, although I am not necessarily persuaded by arguments, that Soviet policy links several issues, including arms talks and emigration. As one expert has opined,

> The Jackson-Vanik amendment is not of great concern except as one of several interlocking interests of the Soviet Union, especially those with geopolitical considerations.

If this be the case, I address linkage. Indeed, the Soviet Union has already indicated in the last 6 months that such linkage is a part of its basic policy and approach to the West. Otherwise, how suggest the release of Eliayahu Essas to an American corporate executive? Otherwise, how suggest the release of 25 people to Senator Kennedy as part of what I assume is an outreach to achieve an arms agreement?

One must not lose sight of President Kennedy's statement, a different Kennedy, shortly before his death. "What is peace, after all, but a matter of human rights?"

Kennedy's words are not merely a rhetorical flourish. They have a present relevance as we lumber to summit II.

Our Presidents must ever be mindful of American public opinion as they negotiate on a variety of issues, particularly for arms control. Treaties have to be bottomed on what the Senate will approve. American support of arms control, particularly in the absence of onsite inspections, will depend on faith and Soviet pledges.

For several years there has been a debate as to whether the Soviets do, in fact, violate existing arms limitation agreements. Such questions are not easily settled, making credibility of the Soviet plighted word even more significant. But, in Helsinki in 1975, Moscow agreed to abide by certain human rights standards. Compliance with this agreement can be measured by the numbers who emigrate, by the public record of refuseniks, that is, those deprived of jobs or education, by KGB and police action, by trials of Hebrew teachers and Jewish cultural activists.

If the Soviets link a range of issues to be resolved in tandem, they must be made to realize that while the United States may not formally link arms control and human rights, Americans may be more readily willing to trust the Soviet word when Moscow gives credible evidence that it will comply with previous human rights undertakings which do not affect its vital security interests.

If we are to look at the viability of the Helsinki process, especially the forthcoming human contacts meeting of experts in Berne, and the Vienna review meeting, it may be instructive to assess the last meeting held under the CSCE process. In this regard I am pleased to draw upon material provided to me by Dr. Stephen Roth, prepared for the Institute of Jewish Affairs in London.

The cultural forum of the Helsinki or CSCE process held in Budapest met to consider proposals for improving inter-European cultural cooperation. Given the severe impediments faced by Soviet Jews who wished to give expression to their own culture, as well as to other minority groups, the meeting was of special interest to them. Indeed, for Soviet Jews, their very survival depends on the maintenance of a cultural heritage.

Three special features distinguished the forum. It was the first CSCE meeting to be held in a Warsaw Pact country, an indication of some concrete benefit of the Helsinki process.

Second, it was one of the few CSCE meetings in which private individuals, other than the Madrid Review Conference, in their capacity here as cultural personalities, also participated. However, no time was allotted to a review of implementation. So instances of explicit violations of the Helsinki Final Act such as, but not only limited to, the case of Soviet Jews, had to be raised in general discussions or incidentally.

The highly structured compromise agenda adopted, in my view, was inimical to free debate, but it reflected a different approach as to culture in East and West. The West sees cultural creation as deriving from the free spirit of the individual. The East sees it as serving society and, therefore, to be controlled by party state authorities.

The Soviet Union wanted only to discuss technical proposals for cooperation, but in one form or another, the issue of human rights and freedom cropped up, with the former British Conservative Arts Minister Norman St. John Stevas MP and Prof. Nathan Glazer of the United States attacking the Soviet Union for its suppression of Soviet Jews and minority culture.

Scores of proposals on cultural cooperation were made, nearly half from the governments, but approximately half initially from the so-called unofficial proposals of the cultural personalities present. Of special interest were Western proposals on freedom for members of religious denominations to obtain and use the materials which will allow them to develop their cultural heritage, and the protection of the unique identity of national minorities and the fostering of the free exercise of cultural rights.

Since CSCE meetings work on the consensus principle, success is often measured by an agreement on a final communique. The cultural forum, however, ended without one. The Soviets were initially eager to produce a document, but in the end did everything to thwart such an agreement unless it was on their terms.

The neutral and nonaligned countries submitted a draft communique which evenhandedly summarized the work of the forum and the proposals submitted. Though not entirely satisfied, the West was ready to accept the paper as the basis for discussion, but the Soviets were only prepared to consider the document with their own amendments, practically making the draft a Soviet document.

A stalemate ensued which the Hungarians tried to resolve by submitting a short, sterile draft communique. A rift in the Eastern camp developed when Romania alone refused to agree, finally dashing any hope of a document.

Despite the lack of a final document, most observers and participants spoke positively of the forum. Only on the last day was the atmosphere poisoned by the deputy head of the Soviet delegation, who viciously attacked the United States for infringing the cultural rights of millions and for "cultural and physical genocide," an outburst which destroyed the last chance of an agreement, ludicrous as it was in its substance.

This, together with the failure to reach an accord which was inconsistent with the proclaimed new atmosphere of compromise and understanding, which was supposed to have resulted from the Geneva superpower summit, bodes ill, I believe, for the entire Helsinki process. That process may need to be reviewed lest it has to be rescued outside the Helsinki machinery by an agreement between the two great powers, the United States and the Soviet Union.

Mr. Chairman, the immediate issue before us, then, is what approach should we take in regard to the review conference in Vienna? I believe we can do no less than we did in Madrid. Under the able leadership of Max Kampelman, the U.S. delegation performed admirably, provided leadership to the Western Alliance and to many neutral and nonaligned nations. The U.S. delegation was firm and consistent. It was outspoken and specific. It also was unafraid to meet and debate and press issues in private sessions. In other words, it used both public and private diplomacy.

It is instructive that the U.S. delegation was chaired by a private citizen, who, while supportive of the administration's goals, was free to be flexible and innovative. The United States provided moral leadership, as well, but it also provided a model.

As noted by other panelists and by Commission members earlier, there was little fear of the head of delegation's position in terms of his employer. Therefore, we urge that we not have a career person heading a delegation at Vienna, even one with impeccable credentials. The impact of a private and qualified citizen is vital.

I was in Madrid for that meeting. The nature of the U.S. delegation to Madrid was one that, as has been cited, was special. As opposed to those who attend an experts' meeting, it included an array of public members who participated at various times, I suggest that this model be reconstructed for the Vienna meeting. I suggest that this model be encouraged among our Western allies, as well.

This was certainly a unique contribution by the United States, reflective of the special character of public, political, and private views. I urge, however, that there be more work by such a delegation prior to the conference; that there be meetings of public delegates, should they be assigned to our delegation, well in advance, and that these be substantive. I suggest that advanced work with NATO, neutral and nonaligned nations also take place, beginning today. In other words, we must improve our homework.

I would urge that public members, if they are appointed to the U.S. delegation, also be advised to deal with similar groups and individual citizens who are part of the Western Alliance, as well as the neutral and nonaligned coalition.

Whenever possible, the Helsinki process should be kept out of the context of existing East-West relations, although I recognize the interrelationship and the realities of such relations. I think we can do it, even if not to perfection, by keeping to the mandate provided in the Final Act and in the legislative history which brought that act into being. It is one of the few regular points of contact between East and West, regardless of the outcome of summitry.

I believe when we go to Berne, certainly when we go to Vienna, that the United States should stress implementation. This is what led to the followup meetings of experts in Ottawa, Budapest, Berne, Stockholm. I urge, however, that such special meetings rely not only on delegations with experts, but include those with professional or what we would call life experience in the various disciplines under such expertise.

I suggest, also, Mr. Chairman, that it would be advisable that an NGO clearing house be created in Vienna. There was such a process developed in Madrid. I urge that it be carried further and that a formal clearing house, in fact, be established. While the NGO's made a signal contribution to the work of the U.S. delegation, the representatives from a variety of such groups provided a signal service to other countries as well, to other delegations. Very often working outside of the plenary sessions, they helped bridge the differences between different delegations.

I would also suggest that daily briefings of press and private groups take place.

Finally, in regard to very specific proposals, that not only should we stress public and private discussions on issues, but public and private discussions on specific cases. As my colleague, Mr. Epstein, indicated, those individuals who expressed a desire to be public have made the choice themselves while living in the Soviet Union. It is not our choice to do so. We can do no less than to take their individual pleas to the world—constantly and specifically. Such cases which we provide should be timely. I suggest, therefore, a publication as part of a series of CSCE reports, in advance of the Vienna Conference, and that a series of monographs on such cases be provided and made available to the public and to our Western allies.

The rest of my suggestions and comments, Mr. Chairman, will be found in the document submitted for the record.

Let me close by thanking you and the CSCE for its continued support, and to express our admiration for the expertise developed over the years by the staff of this Commission. It is admirable, laudable, and unique, and I trust we will sustain it.

Thank you very much.

Chairman D'AMATO. Thank you very much, Mr. Goodman.

Let me simply say that there are a number of us, including the chairman, who is not pleased with the manner in which the Ambassador has been selected, not so much the manner, but the fact that that person does not come from the private arena, and I certainly do not wish to cast any doubt with respect to the capabilities of the individual who has been selected. Indeed, Mr. Zimmerman has served as Mr. Kapelman's deputy and does so now, and it may be for the very reason that you have suggested that he has been picked, that you warned about, and that is to keep a separation of the negotiations that are being conducted with the Soviets and the process, the Helsinki process, to keep them separate and apart. It seems to me that he has been selected because they do not wish to have anything that might shake the boat and make it more difficult for their own negotiations.

While I appreciate that, I think it flies in the face of what you and I and others see the process as doing.

Having said that, I have included in my remarks, and I am not going to read them, a strong commitment to see to it that the State Department return to the practice of including representatives of nongovernmental organizations and private citizens as public delegates on the official U.S. delegation to both Berne and Vienna, and we are going to press that very, very strongly.

Mr. **Goodman**. Mr. Chairman, if I might add a comment, I know Warren Zimmerman very well. I have nothing but the highest regard for his commitment and his capabilities, and since he will be the head of the delegation, may I suggest that perhaps the process be reversed and that at Vienna there be a deputy who is drawn from the private sector. While the Madrid experience would be in reverse, at least that consideration be put under advisement by the State Department and by the administration.

Chairman **D'Amato**. I think it is an excellent idea. We will pursue it.

Cochairman Hoyer.

Cochairman **Hoyer**. Well, again, I want to thank all of our witnesses not only for taking the time to appear here but also for the thoughts and suggestions you have made.

Obviously one of the purposes of these hearings is to identify specific, concrete suggestions that we can pass along to the administration as well as to the delegations to Berne and Vienna. Such suggestions are very useful to the Commission as it formulates its position on particular issues. I think to that extent your statements have been very helpful.

Because of the fact that Senator Heinz is here, Mr. Chairman, I am going to yield at this point in time to Senator Heinz. I do not know what those two lights up there mean. For us in the House they would mean a vote.

Senator **Heinz**. It is not a problem. Please continue.

Cochairman **Hoyer**. In light of that then, let me ask a couple of questions.

Senator **Heinz**. Thank you though for your kindness, courtesy, thoughtfulness and general good will.

Cochairman **Hoyer**. Senator, your remarks are on the record. I appreciate the Senator's remarks as well as the fact that he has taken time to be with us. He makes an excellent contribution.

Mr. Smorodsky, let me ask you, and this is perhaps because I have less expertise than most in this room on some of these questions, but it is estimated that Ukrainians constitute a disproportionate percentage of political prisoners in the Soviet Union and generally receive more severe sentences.

The Ukrainian Helsinki monitoring group was the hardest hit of all of the monitoring groups, I understand. Why do you believe that is the case?

Mr. **Smorodsky**. I am going to try to respond in a very short period of time, but I could go on for hours on the subject.

We must understand the nature of the Soviet Union, in the first place. It is not a homogeneous monolith. It is basically a forced amalgam of various ethnic, national and racial groups.

Now, we also must take into consideration that there are certain dynamic changes that are going on within the Soviet Union at the present time, from demography to economics, et cetera. Within the Soviet Union right now, the nationalities issue plays a most prominent role in its internal policies that relate to labor allocation, economic allocation, energy defense spending, and even Sino-Soviet relations.

At the present time, because of all of these various dynamic situations and the traditional history of expansionism within the Soviet Union, when you have a group like Ukrainians who are a nation within this amalgam, who are putting forward ideas, such as the right to religion, the right to self-expression, the right to self-determination, they are at that point affecting that particular ability of the central government to crystalize the Soviet Union, and for this reason alone the Ukrainians are the predominant or as they say 40 percent of the political prisoners.

We have to understand the role of the nationalities issue within the Soviet Union and the nature of the Soviet Union at present.

Cochairman **Hoyer**. The level of threat is perceived to be greater for the Ukrainians. Would that be fair?

Mr. **Smorodsky**. What it will do, if we just take a look at demographics, in about 10 years the demographic situation within the Soviet Union will indicate that the Slavs will be a minority. If that is the situation, their political structure requires a certain amount of dominance by the European portion of the Soviet Union. If that is the case, with 50 million Ukrainians saying, "We have different views of how the situation should run," then it clearly affects the existing power structure within the Soviet Union.

Cochairman **Hoyer**. Thank you.

Ms. Politis, let me ask you: You mentioned, I think, focus by Commission staff and the Congress, and although I cannot pronounce his name, Igor Ogurtsov?

Ms. **Politis**. Igor Ogurtsov, yes.

Cochairman **Hoyer**. I know that Dante Fascell, former Chairman of the Commission, introduced a resolution, House Joint Resolution 76, last year requesting that he be released from internal exile. What is his status? Do you know?

Ms. **Politis**. I did not hear you.

Cochairman **Hoyer**. What is his status?

Ms. **Politis**. Whose status, Ogurtsov's?

Cochairman **Hoyer**. Yes.

Ms. **Politis**. Very dismal. Ogurtsov is in his 20th year of his term. He has served 15 years of prison, concentration camps and psychiatric institutes, and presently he is serving his 5th year in exile. He is in poor health. He has two old parents. He is their only child, and his parents also expressed the desire to leave the country together with their son.

The last time I talked to the parents, and in fact, he has a relative in the United States, and we talk to the parents every so often, his mother appealed over the phone, which is monitored; the conversation is monitored obviously by the KGB, and she just said, "Save our son."

He has been asking me to convey to you his request to be exchanged. Now, we know that this is very difficult. Like with Shcharansky. It took years to accomplish this. And yet Ogurtsov felt that the only realistic way for him to get out of the Soviet Union, is to initiate some kind of an exchange. He is one of the greatest opponents of the Soviet regime. He was the first man to be tried for treason, long before all of the other cases we heard about in the 1960's. Ogurtsov founded the Christian Social Movement in the Soviet Union, which is unprecedented, and at the time of his arrest he had about 60 members who joined him in his group. In 1967 through some informer, the group was exposed, and 21 of them were sentenced. Ogurtsov, being the leader, was sentenced to 20 years! That was in 1967, one of the earliest trials, "public" trials, and accusation of treason.

He has not done anything really to be accused of this grave matter. Treason is a very grave Soviet accusation. Up to 1967, all of the members of the group were engaged in dissemination of religious literature, talking about the necessity of reforms in the Soviet Union and the like. This was sufficient for the Soviet Union at that time to accuse him of treason.

We do want to help him. We have so many cases, but we decided to zero in on one case at least, one case of a Russian political prisoner, Ogurtsov, and we have to get him out. We request you and we beg you to intercede on his behalf.

Chairman D'Amato. If I might, you are aware that we have worked assiduously on this case. So it is not a case that the Commission has not identified as a very serious one and one which we have raised continually, and in reference to a point, and I agree with some of the points in terms of the listing, and that is going to be corrected. That is an oversight. It has not been done with any consciousness, and that will be taken care of.

Ms. Politis. I hope so.

Chairman D'Amato. That will be taken care of.

Ms. Politis. Thank you, because I have been receiving your digest regularly, and I was just looking. I was in a hurry to prepare this paper.

I found this particular reference to Alexei Nikitin, who is a Russian man, and he is defined here as "human rights activist." He died as a result of his sentence, and yet he is described just as an "activist." In all of these Russian cases, they are never identified as Russian cases. I do not know why it is done that way. Why is there such an "omission" or whatever you call it?

Chairman D'Amato. It is certainly not by design. They will be identified that way in the future, and I have spoken to the head of the staff, and that will be rectified, but I think we have got to make some note that the committee, the staff has worked assiduously with respect to the particular case that you have outlined, and we will continue to do so.

Mr. Ritter. Will the gentleman yield?

I think we do have a problem on occasion, perhaps even in the Commission, although less so in the Commission than anywhere else, of interchangeably using the words "Soviet" and "Russian." Obviously the great Russians seek to dominate the Soviet empire—the Soviet Union—but there is a distinct difference between Soviet and Russian. Reference is often made to Balts, or Ukrainians, and Central Asians with the implication that they are Russians. This interchangeability should cease immediately. And, I believe the Commission should take the lead in this differentiation.

Cochairman Hoyer. I would concur with the views of the Chairman in that a lot of times we may not be as sensitive to the subtle distinctions, as we should. I agree with Mr. Ritter that the Commission is probably better than other groups, but you have made a good point. I appreciate it.

Ms. **Politis**. May I say something, Mr. Hoyer?

The Soviet Union is like the United States of America. It is an amalgam of various nationalities. We know that, and I am myself of Ukrainian background, as I mentioned in my paper. There are Ukrainian Communists in the Soviet Union, many of them, and I have seen them myself. I lived in Ukraine as a child, and they were very vicious.

To say that all of the Communists are Russians, this is misrepresenting the Soviet history. The Soviet leadership itself in the early stages was and is now international, and the Soviet Communist Party is still an international institution. Ukrainians are not excluded from this party institution, and I regret to say this, but this is a fact.

Now, when we have captive nations public law that excludes the Russian people. This is a gross insult to the Russian people behind the Iron Curtain, the captive nations themselves, as much as I support the theory of captured nations because it is an excellent theory.

Cochairman **Hoyer**. Well, we appreciate your point.

Ms. **Politis**. But to exclude the Russian group from the captive nations is historical disinformation.

Cochairman **Hoyer**. We appreciate your point.

Mr. Chairman, I have some other questions, but again, I have now taken much too long, and Senator Heinz is reconsidering his previous statement. I will yield to the Senator.

Chairman **D'Amato**. Senator Heinz.

STATEMENT OF HON. JOHN HEINZ, SENATOR FROM THE STATE OF PENNSYLVANIA

Mr. **Heinz**. First, let me say to the panel I regret I was not able to be here at the beginning for your statements. I came in as Mr. Goodman was in the middle of his, but I had two other hearings this morning. I would like to commend Senator D'Amato and Congressman Hoyer for the very effective work of this Commission. As the Chairman and Cochairman of this organization, and thanks to their leadership, they provide us with some very important information, and we hope that we translate it into meaningful policy.

I could not help but reflect on the recent accounts given by both Shcharansky and Sakharov in terms of the abuse they have suffered at the hands of the Soviets. What they described is almost beyond the comprehension of any civilized society. Sakharov has compared his treatment with George Orwell's 1984, which we all read, I believe, as relatively young people or college students, and dismissed as too far-fetched. We must understand that what is far-fetched for the West is too often common, everyday occurrence in the Soviet Union.

Now, maybe I am wrong on this, and I really seek your comment. I think, on the one hand, the West has gone the extra mile in continuing to recognize the set of agreements which constitute the Helsinki accords, while the Soviets have blatantly failed to honor them, on the other. Therefore, I would argue that the focus of our attention should not particularly be on the West or the procedures, but instead, we should really be focusing on the blatant contempt and persistent total disregard for the Helsinki guarantees that the Soviets cynically signed in Helsinki. Unfortunately we are not likely to see much in the way of different behavior at Vienna any more than it was different at Budapest or Madrid.

Frankly, I do not think any of us really expect Mr. Gorbachev to bring about any fundamental rethinking of Soviet human rights policy. I am not going to hold my breath on that. I think anybody who does will suffocate.

While that is happening, ethnic minorities, religious groups, those who are persecuted, and prisoners of conscience will be suffocated as well, and my question is, therefore, in two parts.

In the absence of the CSCE, are there really any other good alternatives for putting the Soviet Union on the hot seat, under the spotlight, as a means of pressuring them to improve their human rights performance? Is there a better way than this for focusing world attention on their hypocrisy?

[Prepared statement of Senator Heinz follows:]

STATEMENT OF SENATOR JOHN HEINZ
COMMISSION ON SECURITY AND COOPERATION IN EUROPE
February 27, 1986

The purpose of today's hearings is to consider how the Commission on Security and Cooperation in Europe can best serve the cause of human rights in the future, specifically at the upcoming review conference in Vienna. While some additional steps on our part may be desirable, I believe it is clear that the West has gone the extra mile in continuing to recognize a set of agreements which the Soviets have blatantly failed to honor.

I would argue, therefore, that the focus of our attention should not be on the West and should not be on procedure: instead it should be focused upon Soviet contempt and disregard for the Helsinki guarantees they so piously signed over ten years ago.

Can we expect any different behavior at Vienna from the Soviets and their East European puppets than they have displayed at past conferences, including the most recent Budapest Cultural Forum? While we may hope for the best, that Gorbachev will bring about a fundamental rethinking of Soviet human rights policy, I will not hold my breath.

Regardless of changes we may make in the Helsinki process, the obstacle to progress will remain the Soviet's ruthless policies of hate and repression. Notwithstanding what appears to be an isolated but welcome case in Anatoly Scharansky's release, there is every reason to believe that the Soviets will not budge in their failure to implement the agreement they signed in Helsinki.

The vivid and appalling accounts recently given by Scharansky and Andrei Sakharov of the abuse they have suffered at the hands of the Soviets is beyond the understanding of a civilized society. I can only hope that Mr. Sakharov's comparison of his treatment to George Orwell's "1984" will help enlighten many in the West as to the true nature of the Soviet regime.

Clearly it will take more than modifications of the Helsinki process to bring about real relief for the hundreds of thousands of long-suffering Soviet Jews, wishing solely to emigrate to Israel; for the millions of Ukranians, Latvians, Lithuanians and Estonians yearning for a return of their national sovereignty; and for the peoples and innumerable minorities of the Soviet Union and Eastern Europe whose desire is simple and modest: freedom from tyranny.

I am delighted that the Commission has put together such an outstanding panel of witnesses and look forward to hearing their testimony.

Mr. HEINZ. Are there any thoughts, Mr. Goodman?

Mr. GOODMAN. If I might, Senator, at the moment, quite honestly, I do not see it. I think in terms of a regular international forum, the United Nations is irrelevant in this regard because of the support by Third World countries and the like. The Soviet Union can, therefore, earn a majority at will. At least in the Helsinki process there is a balancing off between East and West and, as a continuing forum, it provides the best opportunity to focus that spotlight of world attention on abuses of human rights cases and abuses of individuals.

It is true that there may be limitations in terms of decisionmaking. Perhaps, then, we do come back to the need for bilateral contact to make international political decisions. But, I think those decisions might not be taken effectively if there were not that international forum which the Helsinki process helps provide.

Mr. HEINZ. Mr. Epstein?

Mr. EPSTEIN. Mr. Senator, I addressed exactly the point that Mr. Goodman just made in my testimony, and I would concur with what he said. I think the real crux of the matter, and the source of frustration which we all share, is that there is no enforcement mechanism, but indeed, the smaller forum is the more manageable one, and it seems to me that the greatest advantage we have in this forum is that it is conducted in the context of what really is the most serious relationship in the world, in the geopolitical sense, the Superpower relationship, and that the Soviets place so much emphasis on Western Europe as the predominant foreign policy goal in relationship to its interest in Eastern Europe, and hence, their willingness to take what is, clearly, criticism and abuse in public is far greater than at any other place in the world.

What eludes us and frustrates us is that lack of a mechanism, but I do not know of any smaller, more manageable, more direct forum. I believe the chairman himself has said on more than one occasion, both to the Soviets and in public fora, that while we do not link the issue of arms control per se to human rights per se in a 1 to 1 linkage, every act of the Soviet Government somehow affects the view of the chairman and everyone else on policy, but nobody has——

Mr. HEINZ. You are bringing up a key point which I think we need to flesh out.

Mr. EPSTEIN. Surely.

Mr. HEINZ. As I understand the enforcement framework or lack of it in the accords, what we really were saying back in 1975 was, among the three main sets of provisions, human rights, economic, confidence-building measures, if there is going to be progress on one by the Soviet Union, there ought to be some kind of progress on the other by us, and presumably that is a confidence-building arms control area.

Is it your view that linkage, in fact, was contemplated by the act as its enforcement measure means?

Mr. EPSTEIN. It is my view that explicit linkage was clearly avoided by the framers of the act because they felt they could not achieve any progress with explicit linkage. I do not know what they felt and what they said in their private discussions of whether or not it was more worthwhile to achieve commitment on paper to being able to discuss human rights.

But I do not believe that in any other aspect of the United States-Soviet relations, except arms and emigration, we have a standard by which we can measure. In the area of arms, there are technical means, and in the area of emigration, there are numbers to be counted. The minute we move beyond those two areas, we have the continuing frustration.

I have no more satisfactory answer, I think, than anyone else, to monitoring.

Mr. HEINZ. I have one or two followup questions. Mike and all of you may have some comments you may wish to make, and I do not want to preclude the discussion. However, I have a friend and Pennsylvania colleague, Don Ritter, who, I understand, has a serious time problem, and I am indebted to Chairman D'Amato for recognizing me ahead of Congressman Ritter, but I am not sure that that was fair to Congressman Ritter because he was here before I was.

I would, if I might, Mr. Chairman, yield at this point out of order or in order, as the case may have been, to Congressman Ritter because I know he has an appointment at 12 o'clock.

Mr. RITTER. I thank my gracious Senator who knows that I am one of his constituents and that I voted for him.

Mr. HEINZ. This was not far from my mind.

Mr. RITTER. I would like to thank the panel for their excellent contribution. I think we have a very good cross-section of the current state of affairs in the Helsinki negotiations, and I am grateful.

However, there is a point in Mr. Goodman's testimony that did not come out, but Morris Abram, chairman of the National Conference, recently stated in the New York Times, Jan. 7, 1986, that "if the Soviet Union is not trustworthy about Helsinki, then they are not trustworthy on arms." He pointed out the practical linkage that exists between human rights concerns and arms.

Mr. Smorodsky, in his testimony, said that:

> I submit that the cornerstone of this strategy must be definite and specific linkage between the advancement in the area of individual, human and national rights within the Soviet Union itself, and advancement in other spheres, such as security, economics, science or cultural exchange.

Ms. Politis recommends that no new agreements desired by the Soviet Union should be concluded unless the Soviet Union has complied with previous agreements.

Now, I understand what you are saying, but the reality of what is happening today is very different. There is tremendous pressure in the House for arms control. Now, arms control is of vital importance, however, the human rights side of the equation is not being given reasonable weight in the statements of those of you who testified.

On economics, we are going ahead with major trade initiatives with the Soviet Union to encourage trade between our country and theirs. In science, I was in the Soviet Union in October for the summit that was based on space and science exchanges, and I know we are going ahead quite forcefully—at least with the National Academy of Science and Soviet Academy in exchange activities—

and they have not necessarily been burdened by human rights considerations.

As a matter of fact, meeting at the apartment of Lev Alpert, a prominent Soviet physicist, and 11 other refuseniks with our congressional delegation, we were told that the refuseniks feared the United States Government was going ahead strongly and forcefully on the scientific exchanges with the Soviets, which may be causing them some difficulty, and we got this message back through the Commission, and through myself personally to Frank Press at the National Academy.

I guess the desire of this panel and many of us does not seem to be reflecting in what is happening. How can we better influence linkage? The discussion here today is mostly about linkage. Yet we talk about it rather than really effectuate it. How can we do more?

Do you want to start off?

Mr. **Epstein**. Yes, Mr. Congressman. One comment, at least: You have, indeed, isolated a central issue, and we, among others, have done our best to approach the National Academy of Science and other public institutions in this area.

It seems to me that, especially through the body of this Commission, a vigorous effort can be made which supports the work of private organizations like ours to educate and to inform, and to make it perhaps even contingent for certain kinds of exchanges, that knowledge be transmitted to people who are engaged in these kinds of exchanges with Soviet bodies public or semipublic, which are, in fact, all government bodies, be it the current arrangement between the American Bar Association and the Association of Soviet Lawyers or the National Academy of Sciences or any other public body.

I believe that if they are going to proceed to conduct something which resembles "business as usual" with Soviet institutions, they must commit themselves to being apprised of the situation, to being current about it, and perhaps even, to the extent that there are members of their professions who are affected by repressive measures in the Soviet Union, to commit themselves to raising their cases with their professional colleagues in the Soviet Union on each of those occasions, every time.

Otherwise, we do, indeed, unwittingly contribute to these repressive measures.

Mr. **Ritter**. Might I add the Science and Technology Committee in the House is going to have hearings on the U.S.-U.S.S.R. exchange, and any information that I can get from those of you who are willing to give it, I would be grateful.

Mr. **Goodman**. Mr. Congressman, if I might, and since Morris Abram was cited earlier, perhaps some clarification. The view we take, of course, is implicit rather than explicit linkage. If the United States and the Soviet Union in the arms arena were to negotiate a mutually satisfactory agreement, certainly we would support that, notwithstanding whatever happens in the field of human rights. I think basic security is a permanent consideration.

But short of that, implicit linkage already exists, and I believe both in U.S. foreign policy, and I would disagree with my colleague, and in the Helsinki Final Act that linkage is explicit and implicit. U.S. foreign policy as has been enunciated by the Secretary consists of four cornerstones, each of them equal: human rights, bilateral issues, regional issues, and security matters—arms limitation if you will.

The Secretary and the President have suggested any number of times that progress must be made in all four areas in dealing with the Soviet Union. Where the Congress can play a role, outside of the Commission and within, or in hearings on American foreign policy vis-a-vis the Soviet Union to see whether, in fact, the United States, while advocating those four principles, is supporting them. Then one could make the judgment. I suggest that as American negotiators deal with the Russians in scientific exchange, cultural exchange, commercial contacts—and we are not opposed to those contacts—one can exact, as Ambassador Kampelman demonstrated in Madrid, some response from the Soviet Union. That would strengthen our negotiators who have to deal with the Russians, and say, "Look, we have this pressure behind us. There must be progress not only in regard to regional conflicts or in security or in confidence-building, but also in the area of human rights," et cetera, and that this be a precondition for working out other agreements.

That, I believe, would be very helpful. If we accept the same principle concerning the three baskets in the Helsinki Final Act, and we assume that all three are equal. The Russians were supportive of Basket I. We accepted Basket I. We insisted on Basket III. They accepted Basket III. Implicit in that was that all three baskets are coequal, and it is up to this Commission and the U.S. delegation when it goes to Vienna, certainly the people participating in Berne, to demand, to insist and, as I indicated earlier, to be firm, and consistent. Consistency is important. The Russians cannot deal with inconsistency. It is unsettling. While it is unsettling to me, I think they have even more difficulties with that, and we are, on occasion, inconsistent. We will often demonstrate policy, articulate policy, but not act upon it. Consistency, as well as constancy and firmness, are important in dealing with Moscow.

Mr. RITTER. I would add that the administration may be behaving in one way on this, and they may be inconsistent, but if you want to view the paragon of inconsistency, you should come to the House of Representatives because we are definitely going on very separate tracks on each of these issues.

Mr. SMORODSKY. On the issue that you asked us, what can this Commission do on the issue of linkage——

Mr. RITTER. What can we do as a nation?

Mr. SMORODSKY. As a nation or as——

Mr. RITTER. As a Commission in the leadership role, but really as a nation to effectuate greater linkage than we have had to date.

Mr. SMORODSKY. Well, I disagree on the issue of whether linkage should be active or inactive with regards to disarmament. I think it should be very active, not only within the CSCE, but with other disarmament conferences.

Since this Commission has before it the Vienna Conference, and we are dealing with an immediate issue in Vienna, I agree that the whole concept of the Helsinki accords from the beginning had the concept of balance of baskets. This has been a theme from the initial signing back in 1975 throughout all of the conferences.

The first basket of disarmament is the issue that we are just about ready to unbalance because in Stockholm there is no question that definite CBM's are going to be approved. If that occurs, the human rights issue will turn out to be a mere rhetoric forum.

Yes, the Helsinki process is very good. It raises issues, but you have to look at the Helsinki process as an evolutionary process. In the beginning, after the signing and the first meeting in Belgrade, what did that do? It started with the issue of beginning to be able to raise names, to point to specific violations.

When the United States came out and raised seven names, our allies were surprised, shattered. A different thing happened in Madrid 3 years later. In Madrid what you had was the entire aspect of human rights being raised to a still further level, which our allies also responded to.

Now we are in Vienna. What can very easily occur is that the Soviets, by extracting a positive position in Stockholm, and we will be hardbent not to support it in Vienna, will get what they want, the security aspects, the CBM's and the nonuse of force and "no fun" language, no first strike with nuclear weapons, and then the human rights portion will remain rhetoric.

This Commission (which has an equal position on the delegation from my experience in Madrid, together with the State Department and the Department of Defense) should take a very definite position on linkage, especially with regards to the CSCE process and the CBM's, and that way you can implement it.

Ms. POLITIS. May I say something?

Chairman D'AMATO. You have spelled out the situation very clearly, and I, as one, tend to agree with you. That is the great challenge that we face in Vienna.

Ms. POLITIS. May I say something regarding the same point?

Linkage. When I suggested penalties and signing no agreements unless the Soviets comply with certain things, I meant to do this within a certain field in point. Like human rights. If the Soviets do not comply with certain human rights provisions, then we put some limitation within a certain area, whatever it may be. When the Soviets do not comply in arms agreements, then we put certain limitations within this area on the Soviets. Separate the various fields and link them as they come for compliance evaluation.

Obviously, being an open and free society, we cannot deny a permit to private organizations to make some agreements with the Soviet Union on exchange of scientists, cultural exchanges, and so on. This is what I meant in my paper, Mr. Hoyer, when I mentioned linkage and penalties.

Chairman D'AMATO. Let me say at this time I want to thank all four of our witnesses for the thoughtfulness, the preparation and detail of their presentations, for their candor; also for not only raising important problems and issues, but coming forth with thoughtful suggestions which I know that other Commission members and I share.

Mr. RITTER. Mr. Chairman, could you yield just for a moment?

I would like to just mention, yesterday, with the cooperation of the Commission, we hosted the parents of young Kaisa Randpere, who at 2 years of age is perhaps the world's youngest political prisoner, parents are trying to extract her from the Soviet Union. I think it is indicative of the problems that we face, that even a 2-year-old, an Estonian 2-year-old girl cannot be reunited with families.

In Mr. Epstein's commentary on how the Soviets define families and how they have used the definition of family reunification, he stresses that we need to press very hard on getting some of the facts on these cases out to the public. The kind of facts, that Mr. Epstein has stated, which frankly I was not even familiar with, that can be helpful to us in that public forum.

Thank you, Mr. Chairman.

Chairman D'AMATO. Thank you.

Senator Heinz.

Mr. HEINZ. Mr. Chairman, I think we did cover most of the issue I raised, and Don Ritter was good enough really in a sense to continue that line of questioning, but because Mr. Smorodsky and Ms. Politis did seek recognition, I just wanted to ask if there were any further comments they wanted to make on what I had posed as an issue or comment.

Mr. SMORODSKY. I have responded to the issue of linkage.

Mr. HEINZ. You have responded, in fact, just to a different drummer.

Very well. I just thank our witnesses and both of you, chairmen, for the excellent work of this Commission. I am proud to be a member of it.

Chairman D'AMATO. Senator Heinz, thank you for taking your time to be here today, and again, I do not think we have had a better panel at any time or better hearing, and hopefully we can work together between now and Berne and Vienna to implement some of the very constructive suggestions that you have put forth.

It is just for this reason that we held these hearings, to get your input so that we do not continue to miss out on opportunities, the windows of opportunities.

I know that after Ottawa there were a number of people who felt things could have been done in a different way or that we could have been better prepared. I agree, and so I would hope that we continue that.

Mr. Hathaway, our staff director here, please pursue those opportunities so that we can improve the chances that we have, and I think there are some unique opportunities that will be presented in the next two sessions.

So we stand in recess with our thanks once again.

[Whereupon, at 12:08 p.m., the hearing in the above-entitled matter was adjourned.]

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APPENDIX 1

STATEMENT BY SENATOR MALCOLM WALLOP, HELSINKI COMMISSIONER, FOR THE HELSINKI COMMISSION HEARINGS ON HUMAN RIGHTS AND THE CSCE PROCESS, February 25, 1986

Senator D'Amato, Congressman Hoyer, Distinguished Colleagues, Ladies and Gentlemen:

I especially welcome these hearings this week on human rights and the CSCE process. I have long thought that the Helsinki Commission should review the entire CSCE process as a whole with a view to assessing the pluses and minuses for U.S. foreign policy of that process since the Helsinki Accords were signed ten years ago.

Mr. Chairman, we cannot underestimate the impact that this process has had on bringing the human rights violations by the Soviet Union and the states of the east-bloc to the attention of the whole world. The CSCE process has succeeded in keeping the pressure on those states. Whether or not they choose to adhere to the Helsinki accords, the Soviet Union and the states of eastern Europe signed them. This they cannot deny.

By so doing, they expressed on paper some noble ideas. Therefore, their failure to carry out these promises stands as a revelation of their hypocrisy and their cynicism.

Mr. Chairman, that failure demonstrates clearly, for all the world to see, how hollow the promises of the Soviets and their allies can be, whether in written form or otherwise. Broken promises are broken promises, whether made in treaties, covenants, contracts or in diplomatic assurances. And in this context the Soviets and East-bloc governments have made mockery of the promises they made in Helsinki Accords, particularly by their behavior on human rights.

Occasionally, Mr. Chairman, the pressures of the Helsinki process on the Soviet Union build to such a fever pitch that the Soviet monolith is moved to make gestures to try to save face before or after world meetings of importance to the Soviet foreign policy of world domination by Marxist-Leninist regimes. We have seen a long line of gestures made around Summits or around the timing of Soviet propaganda campaigns in the arms control field. Then the world just rejoices that some families have been reunited or that some individuals have obtained the freedom they so richly deserve as human beings and citizens of this planet, and averts its eyes from the continued human savagery practiced by the Soviet Union. .

Such events cause us to celebrate but they should give us pause. Pause to recall all those who have not been released. Pause to recall all those who are still imprisoned, in pyschiatric hospitals, enduring torture and all manner of inhuman persecutions.

Mr. Chairman, I am thinking now of Anatoly and Mrs. Sharansky. Their struggle has ended in a triumph of the human spirit and of the Helsinki process. But, it might have ended differently or even tragically. How many others have not been released? How many have died enduring the savage bonds of existence in a Soviet prison or psychiatric ward or slave labor camp? How many human rights activists in the Warsaw Pact countries will never have the chance to walk over Glienicke Bridge into West Berlin and into freedom? Tragically, hundreds of thousands. And they deserve our attention and support. We must make every effort that is humanly possible to help them. Through this Helsinki process, we must keep the pressure on. I am also thinking, Mr. Chairman, of whole countries, such as Estonia, which yesterday would have marked the 68th anniversary of its independence, which have been gobbled up by Soviet tyranny.

Mr. Chairman, through the CSCE process we must continue to let the world know of the Soviet and east-bloc hypocrisy, cynicism and tyranny. We must point to every known case of human rights abuse and Warsaw Pact failure to meet the agreements signed at Helsinki.

Mr. Chairman, I especially welcome today's witnesses who will testify on Eastern Europe's human rights record since the start of the CSCE process ten years ago. The American East European Ethnic Conference, the Joint Baltic American National Committee and the Committee in Support of Solidarity are all well versed in the subject of Eastern Europe's violations of the Helsinki Accords. I look forward to hearing their testimony.

Mr. Chairman, due to hearings in the Senate Finance Committee on the oil import fee which I am chairing, it may not be possible for me to attend Thurday's hearing on the Soviet Union. I want the organizations which will present testimony to the Commission on that day to know that I am with them in spirit. The World Conference of Free Ukrainians, the Congress of Russian Americans, the National Confererence on Soviet Jewry and the Union of Councils for Soviet Jews have been leaders in the CSCE process and I am pleased that they have agreed to appear before this Commission.

Mr. Chairman, as the Commission reviews the human rights aspects of the Helsinki process here this week, I hope that we will all also bear in mind that the Helsinki CSCE process includes many other elements in addition to human rights. There were solemn promises made at Helsinki on a wide range of subjects ranging from security in Europe to economics to science and to the environment. I hope that some of the witnesses and groups which appear before us at these hearings will also report to us from their store of knowledge on what the Soviet Union and east-bloc states have been doing about all the many other items in the other baskets of the Helsinki Accords. I especially want us to remember the security aspects of the agreements, such as the confidence building measures and the arms control provisions.

APPENDIX 2

TESTIMONY
on the
CSCE PROCESS
before
The Commission on Security and Cooperation in Europe

by
RADI SLAVOFF
Washington Representative of the Bulgarian National Front in the USA

Member of the American East European Ethnic Conference

February 24, 1986

In my opening statement, I will take the liberty of quoting from the first two paragraphs of the current State Department report which states: "Bulgaria is a Marxist-Leninist state ruled by the Bulgarian Communist Party. The Communist leadership holds a monopoly of power and seeks to direct and control all political, economic, social and cultural activities." "An omnipresent network of state security police and militia at all levels of society has succeeded in suppressing most open expressions of opposition to the regime." These few lines in essence sum up the conditions in Bulgaria today, and I gratefully acknowledge the accuracy with which the State Department Human Rights Office assessed these tragic conditions. The Human Rights Office staff at the State Department and the staff at the Congressional Commission on Security and Cooperation in Europe are well informed on the deplorable human rights record of the Bulgarian Communist government, and have worked hard to alleviate these conditions.

During the entire period of the Helsinki Process since 1975, the Bulgarian Communist government has effectively stifled any dissent in Bulgaria at its very inception. Free speech, free press, freedom of association and demonstration, freedom of worship, cultural freedom, political rights and human rights are non-existent. Arbitrary arrests, detentions, exiles and political killings are carried out by the authorities without restraint. During the period since the 1975 signing of the Helsinki Accords, the Bulgarian Communist authorities were responsible for several assassinations of Bulgarian dissidents in exile. They also made several unsuccessful attempts. So bent on terrorism are the Bulgarian Communists that in 1979, four years after the Helsinki Accords were signed, they reached out into the West and carried out political assassinations of Bulgarian dissidents. Georgi Markov, a well-known Bulgarian dissident, was one of the victims of these terrorist activities.

So daring they became during the Helsinki process, that in 1981 they engineered the attempted assassination of the Pope in Rome. The Bulgarian people were held hostage during the entire period of the Helsinki process, just as they were held hostage prior to 1975.

Family reunification has been sporadic, always after years of delays, and not always related to the Helsinki process. During 1985, a record 16 cases were resolved, thanks to the able, persistent efforts of Ambassador Levitsky, U.S. Ambassador in Sofia. But these are symbolic gestures from the Bulgarian government, and not concrete steps of progress. Many of these cases have been pending since the signing of the Helsinki Accords, thus subjecting divided family members to many years of cruelty and agony. Many more cases still remain unresolved.

Human rights in Bulgaria, in the context of the Helsinki Accords, do not exist. They have not been in existence during the entire period since 1975 when the Helsinki Accords were signed. In fact, they have not been in existence since the Communist takeover on September 9, 1944. If anything, they are worse today than 10 years ago.

The Bulgarian Marxist governments did not respect any of the treaties they signed. At the time they were signing the peace treaty with the Western allies in 1947, they carried out the most intensive political killings in Bulgaria. They eliminated not only the opponents outside of the Communist-dominated Fatherland Front, but also those from within the Front who opposed the drive by the Marxists for absolute control of the government. They did not spare even members of the Communist party who dared to dissent from the strictly-directed Moscow line. Traicho Kostov, the first Secretary of the Bulgarian Communist Party, and his followers became objects of physical elimination for that very reason.

The full extent of brutality committed in Bulgaria by the Bulgarian Marxists since 1944 has not been fully exposed. Only the Bulgarian people and the many thousands of victims who perished in detention centers, prisons, forced labor camps, psychiatric institutions and other places of torture and repression have the first-hand knowledge of this brutality. It is incomprehensible. There is hardly a family in Bulgaria that did not have someone go through a period of detention. Some families were entirely 'wiped out.' The Kersten Commission Report in 1954 describes the brutality of the Bulgarian Marxists during the first 10 years in power.

It is important to note that the intensity of terror in Bulgaria did not diminish in the ensuing years. During the 1960s, when the Stalinist repressive methods were repudiated even in the Soviet Union by Nikita Khrushchev, the Stalinist methods of terror continued in Bulgaria. No segment of Bulgarian society was spared, no political party or political faction escaped the red terror. Even members of the Party elite who dared to voice objections to the complete subordination to the Kremlin could not escape the policy of physical elimination of opponents. The relentless drive of suppression continued into the seventies, and acts of terror and torture were committed at the very time when the Bulgarian Communist government was signing the Helsinki Accords, and thereafter.

The brutal violation of minority rights of the Bulgarian Turks is the most recent example of repression, Stalinist style. The forced cultural assimilation of the Turks is a complete reversal of policy until recently (two years ago), when the Turks were recognized as a minority group, their contributions to Bulgarian society praised, and printed material in the Turkish language distributed. The Turks have lived in peace with the Bulgarians for almost 100 years. As peaceful citizens of the country, they posed no threat to the Communist State and were, for the most part, left alone.

The decision to implement the program of cultural assimilation came from the Kremlin, and was intended to serve as an experiment for the benefit of Moscow. The Soviet Union has over 70 million Turkik people and other minorities of the Islamic faith. These people have enjoyed relative religious freedom over the years and have grown accustomed to some cultural independence. It had come to the point where the Soviet rulers regarded these minorities as a threat to the Central Authority. In search of methods for cultural assimilation, they devised this program of denationalization; and Bulgaria was a convenient place for such an experiment. During the invasion of Afghanistan, the Soviets also came to the conclusion that they cannot rely on the Muslim population -- thus the necessity to assimilate the Turkik people in the Soviet Union became a long-range plan. The Bulgarian Communists, with their extensive experience in repression, were the logical choice. The Helsinki Accords had no inhibiting effect on them. Repression has been a way of life in Bulgaria for the past 42 years.

In conclusion, the Helsinki Process has not produced the desired results. It did not produce results because:

first, it runs contrary to the basic Marxist objective of absolute control over every facet of human life;

secondly, because the Soviet Union and its subordinated states in East Europe have made it a practice to sign agreements without fulfilling the treaty obligations; and

finally, because the Western signatories of the Helsinki Accords have made it their practice to keep the dialogue and tacitly accept the fait accompli.

The solution is to show determination and establish linkage between all three baskets of the Accords; to establish linkage to all other agreements -- cultural agreements, scientific exchange agreements, trade agreements -- all agreements. In other words, to convey the message to the Soviet leaders and the other Marxist states' leaders in Eastern Europe that they have exhausted their goodwill reserves in their contractual dealings with the West. It is obvious by now that unless the Western signatories use some sanctions as leverage, all dialogues will lead to futility. Those who had the unpleasant task to negotiate with Marxists anywhere in the world without the benefit of leverage, and the determination to use it, know what it is like to "negotiate" with them, let alone to implement an agreement.

COORDINATING COMMITTEE
OF
HUNGARIAN ORGANIZATIONS
IN NORTH AMERICA

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The Helsinki Process

Statement

by

The Coordinating Committee of Hungarian Organizations
in North America

for

The Commission on Security and Cooperation in Europe

February 25, 1986

The Coordinating Committee of Hungarian Organizations in North America is grateful for the opportunity to express its views on the Helsinki Process in general and the effects of the Helsinki Final Act on Hungary in particular.

Our Committee was very skeptical about the wisdom of signing the Helsinki Accords in 1975. We as many other observers feared that the Accords will be interpreted similarly to the Yalta Agreement as recognition of the territorial changes that supervened in Europe as the result of the Second World War and of the legitimacy of the Soviet Empire over East-Central Europe. This fear was not alleviated by its provisions in which the Soviet Union and its allies promised a more moderate foreign policy and respect for human rights in the Warsaw Pact countries.

Our fears were justified by the events of the past 10 years. The humiliation of the West in Belgrade, the invasion of Afghanistan, Soviet intransigence in Africa shattered the credibility of the promises made by the Soviet Union to moderate its foreign policy. The Soviets refused to recognize the West's right to insist on compliance with the human rights provisions of the Final Act. The conferences of the Helsinki Process in Belgrade, Madrid, Ottawa and Budapest did not produce tangible improvements in the human rights conditions in the Soviet Union and in the satellite countries. The West's eloquent, often restrained arguments remain pointless. The monitor groups, formed in the Soviet Union were persecuted, and after their members were arrested, tried, jailed they were eliminated. The Helsinki Process was and is incapable of protecting the very people who sacrificed their freedom for trying to prove its viability, to justify its existence.

Our Committee, in spite of its skepticism and of the unproductivity of the Helsinki Process supported the efforts that tried to realize the promise of Helsinki, and the attempts to translate its potential into tangible results. We hoped that patience, and principled arguments will finally succeed and all provisions of the Helsinki Final Act will be implemented. Our hope was in vain. Neither the Soviet Block nor the West took the Accords seriously. The Soviets and their allies blatantly ignore them, the West timidly refuses to accept the consequences of meaningful punishments for non compliance, and thus contributes to the loss of credibility of the Process. The Helsinki Process failed. Support for it is waining.

Our Committee strongly suggests that in Vienna the U.S. delegation abandon its silence maintained in Belgrade, Madrid, Ottawa and Budapest on violations of the human rights provisions of the Helsinki Final Act by Hungarian authorities.

The attitude of the U.S. delegations in the past sent the wrong signal to the government in Hungary. The validity of this view is evidenced by the attached secret communication of that government providing the interpretation of the West's reaction to the banning of the symposium organized by the International Helsinki Federation for Human Rights during the Budapest Cultural Forum.

This western attitude paired with lack of success in compelling the Warsaw Pact countries to comply with the human rights provisions of the Helsinki Accords caused disillusionment among the Hungarian people, especially in the circles of the democratic opposition. This disillusionment was expressed at the meeting of free thinking Hungarian intellectuals held last summer in Monor and in an article published after the Cultural Forum in the Hungarian samizdat journal BESZELO's 15th issue. The title of this article: "The Helsinki Kitsch" by itself is a strong expression of feelings towards the Helsinki Process. We attach translated excerpts of this article as part of this statement.

The Vienna Review Meeting must change this attitude. In Vienna the review of Hungarian compliance must address the plight of the environmentalists, consciencous objectors, the punk rock singers, the men of the street, the poor whose rights are continuously violated who are discriminated against and suffer from arbritray punishments including long jail sentences for their exercise of basic human rights.

Our Committee joins with the proposals of the American East European Ethnic Conference, to reinvigorate the Helsinki Process. We share the view that the Vienna Review meeting will be the watershed event of the Process. We look forward with hope to Vienna. If it fails to realize the potential of the Process then we must be honest to ourselves, to the people of the Soviet Union and East-Central Europe, and renounce the Helsinki Final Act. Then we must embark on the search for effective means to force the Soviet Block to provide basic human rights to their citizens.

Istvan Magas
Chairman

SECRET DOCUMENTS DESCRIBE TENSIONS AT CULTURAL FORUM

Budapest BESZELO in Hungarian No. 15 85 pp 102-104

[Two official Hungarian documents marked "Top Secret." The first is entitled "Bulletin on the Work of the Cultural Forum to Date, 15 October-1 November 1985; the second is entitled "The Fourth Week of the Forum"]

15 October-1 November

[Text] The number of delegates indicates the significant extent of the interest in the Cultural Forum. The number of delegates who are registered is 850. The Soviet delegation has 90 members, the Czechoslovakian 74, the West German 72, the Polish 54, and the American 52. The Romanian delegation is conspicuously small, consisting of 7 members, and it includes no cultural personalities. The delegations of the socialist countries are led by ministers, the Romanian delegation by the ambassador. Most of the Western delegations are headed by former ministers or ambassadors. The delegations include many outstanding cultural personalities. There are no emigrants among the members. More than 200 journalists have been accredited to the conference.

The conditions that have been set up for the conference are good. The efforts of the Executive Committee have received favorable recognition to this date. The arrangements have been successful. The members of the delegations are enjoying themselves here and they appreciate that we have facilitated their meetings with their Hungarian artistic and professional colleagues.

The atmosphere of the opening days of the Forum was affected by news of the so-called "counterforum." The Western press was occupied mainly with this question, and events at the Forum itself hardly received any publicity. As became clear later, preparations for the "counterforum" began months ago. In the days just before the beginning of the Forum, it became known that in one of the rooms of the Duna Intercontinental --which a Swedish citizen had reserved earlier under his company's name for a "social gathering"--the International Helsinki Committee intended to hold a "parallel cultural forum" for its members, with the participation of well-known western writers and emigrant writers. We did not permit the meeting to take place in the hotel room, and we tried to mitigate the effect of this through political means. The meeting was finally held in the apartments of two Hungarian persons. They sent their various documents, along with an open letter addressed to the Cultural Forum, to the western delegates and to the press.

The head of the American delegation protested orally that the conference had not been permitted to take place in the hotel. The delegation from Luxembourg expressed the regrets of the NATO and Common Market countries. Finally the Western delegations tacitly accepted our point of view ("the Hungarian authorities do not occupy themselves with organized meetings of a private nature") and indicated that they and sharply attacked the Soviet Union, Czechoslovakia, and Poland. He listed specific incidents and names and accused the aforementioned countries of persecuting artists and writers. The representatives of the attacked countries denied the charges concretely and substantively. The Soviet response listed countless examples of how freedom of expression is violated in the United States, how publication of the works of black and progressive American thinkers is forbidden, and how books that represent universal values that are centuries old are prohibited in school libraries.

On 5 November 1985 the leader of the Romanian delegation to the Forum verbally conveyed the message of the the Romanian party and state leadership to Comrade Bela Kopeczi and Comrade Gyula Horn, Budapest's ambassador to Romania. The message objects in a sharp tone to the fact that right-wing Hungarian organizations are spreading abusive, hostile material to the delegations about the situation of the Hungarian minority in Transylvania. He can't avoid asking how it is possible that such material could be brought in and distributed in Hungary. He reminds his counterparts of Hungary's responsibility as host and of the responsibility Hungary accepted during the socialist coordinating meetings, to prevent such activities. Since such things did happen anyway, he expects Hungary to call to task those who are responsible and to take a stand against such slander.

The message also said that the Hungarian state publishing houses had published countless books falsifying and slandering Romanian history, which only serves the interests of revanchist nationalistic circles.

Comrades Kopeczi and Horn emphasized in their answer that Hungary is fulfilling its responsibility completely in accordance with the procedural rules established with the concurrence of all participants in the Forum, and is paying particular attention to preventing activities that may be organized against the socialist countries, as is shown by the so-called counterforum incident. They could not comprehend the reason for the tone and content of the Romanian statement. They stressed that, as the Romanian side knows, the Hungarian party and state leadership had never made common cause with the nationalist and chauvinist efforts of right wing emigrant groups, and condemned them.

The Hungarian delegation is continuing its activities. Through its contacts, it is doing everything possible to make the Forum a success. Outside the confines of the socialist coordinating meeting, our delegation reviewed, on a high level of expertise, all recommendations with the Soviet delegation. It is also exchanging substantial views with the Western countries, especially the neutral ones.

considered the incident closed. Since then, the question of the "counterforum" has not been a topic of interest. After the events it became clear that our way of dealing with the problem did not have a negative effect on the Forum's work.

The presence of other so-called monitoring groups has not been felt so far at the Forum. However, American organizations have given the Western delegations, as well as the Hungarian delegation, several memorandums about the situation of Hungarians in Transylvania. However, no one mentioned this question at the Forum.

Up to now, the meetings of the Cultural Forum took place in a serene atmosphere, and the agenda has been followed. The socialist delegations emphasized above all the strengthening of detente, and the need to develop cultural cooperation. The NATO countries put cultural creative freedom, international contact without governmental interference, and the unfettered dissemination of cultural works in the foreground. There were some confrontations. The delegations of Cyprus, Greece, and Turkey, as well as those of Turkey and Bulgaria, had some sharp exchanges on well-known subjects. On the committees dealing with art preservation, the American and French delegates made some harsh judgements on the destruction of monuments in Bucharest and Transylvania, that is, on the razing of monuments in the course of urban construction.

The beginning of November, the committees dealing with performing and industrial arts finished their work. Harmonious, constructive debates were carried out in the two committees. The cultural experts mainly addressed technical questions in their statements. The delegates of the socialist countries mainly dealt with the social role of culture and expressed their views on the responsibilities of artists, and described in detail the situation of specific branches of the arts in their countries. Their contributions were well prepared, but in several instances were characterized by a propagandistic style. Some of the socialist statements were outstanding and evoked favorable responses by virtue of their nuances, their tone of individuality, and the richness of their content. The Western delegates repeated their views on the freedom of creative work, and on the free movement of people and ideas. Their addresses often contained names and allusions that revealed their intention to attack the Soviet Union as well as Czechoslovakia. No real debate developed in this connection. No judgments or negative allusions were directed against Hungary.

In the exchange of ideas in the committees, the improvement of cooperation increasingly became the focal point. A significant number of western and several socialist recommedations were presented.

It was apparent that the development of the work of the Forum in a way that was favorable to the socialist countries surprised the diplomats of the NATO countries, who had expected confrontations to develop from the debates of the "independent" cultural personalities. Seeing that this was not going to happen, and exploiting the impatience of the Western cultural personalities to achieve some concrete results, they provoked an argument about procedural questions. They demanded that we depart from the procedures established during the Helsinki process--according to which participants made their statements following a prepared list--and that "free," uncontrolled debate be allowed. They also made a written recommendation that a certain amount of time should be ensured for questions and answers.

The procedural question was also emphasized at the 25 October plenary meeting. Mainly the American, English, and French delegates tried to demean the accomplishments and significance of the exchange of ideas that had taken place up to that point, citing the lack of free debate. The leaders of some of the smaller Western countries' delegations also expressed their disappointment. The Italian, Spanish, and West German statements, and among the neutral countries the Austrian and Swedish statements, had a moderate tone. However, all the Western delegations took the position that freer debates should be conducted in the working committees.

At the 29 October coordinating meeting of the socialist countries, agreement was reached that attempts must be made to improve the atmosphere, which had deteriorated because of the sharpening of disagreement on the question of procedure and work organization. There was also agreement that it was not necessary for our delegations, which were well prepared, to hold back from participation in debates on questions that went beyond the officially prescribed ones. On the basis of this decision, on 30 October and 1 November there were non-official, less restricted exchanges of ideas in the work committees dealing with the performing arts. This did not sharpen the atmosphere; on the contrary, the debate remained closer to the recommendations, and was freer from polemics, than was the case at the official meetings.

The cultural personalities, at the closing meeting of both work committees and at the plenary meeting on 1 November, expressed their satisfaction with the meaningful and varied exchange of ideas and thanked Hungary for its hospitality.

At the 1 November plenary meeting most of the speakers reviewed the experiences of the Forum during the preceding three weeks. The socialist countries evaluated the work that had been done to that point very positively. They pointed out that both at the official and so-called non-official conferences, equally worthwhile and free debates had taken place. The debates were of a high professional quality and more than 60 recommendations had already been made. They urged that the achievements up to that point be summarized and recommended that a study committee be established to start formulating the closing conclusions of the Forum.

The leading NATO countries' delegations were of the opinion that the atmosphere of the Forum had improved, but they ascribed this exclusively to the "free" debates that they had demanded. They indicated that in the future they would also insist upon this possibility. Essentially, they refused the initiatives of the socialist countries' delegates, which tried to hasten the development of recommendations. They were of the opinion that the time has not yet come for this step, because the recommendations of the committees that had not yet met would have to be taken into account if any kind of balance were to be achieved. The neutral countries agreed that it was desirable to make progress, but they also considered it too early form a study committee to make closing recommendations.

The Fourth Week

[Excerpts] On Monday, November 4, two new Forum committees started working on questions related to literature and publishing. The atmosphere was acceptable in both committees, although not as favorable as it had been during earlier weeks of the Forum. More attacks were directed against the socialist countries, especially the Soviet Union and Czechoslovakia, than had been previously.

The socialist countries decided unanimously at their coordinating meeting that it was necessary to pursue the goal of getting a closing document accepted. Toward this end, they coordinated their views, which they submitted as official recommendations, on a professional level.

According to our information, the NATO countries also began to work out recommendations. Their interest in the closing document is shown by the fact that they now introduced officially some recommendations that had up to this point remained unofficial.

The work of the neutral delegations is already being conducted with a view toward the document. According to the information received from several neutral delegates, their group unanimously assumes that a closing document is necessary, and there is a chance that one will be accepted. According to their statements, they will be starting bilateral consultations next week with representatives of the other groups to work out questions related to the content of the document.

At the plenary meeting on Friday, representatives of the socialist countries assessed the achievements of the week positively and emphasized their interest in having the Forum put its conclusions into writing. The American speaker said that he supported the idea of having a closing document, but only if it will include standards relating to cultural rights. He spoke about these rights in a confrontational tone and sharply attacked the Soviet Union, Czechoslovakia, and Poland. He listed specific incidents and names and accused the aforementioned countries of persecuting artists and writers. The representatives of the attacked countries denied the charges concretely and substantively. The Soviet response listed countless examples of how freedom of expression is violated in the United States, how publication of the works of black and progressive American thinkers is forbidden, and how books that represent universal values that are centuries old are prohibited in school libraries.

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HELSINKI KITSCH

Budapest BESZELO in Hungarian No. 15 85 pp 7-11

[Article on the Budapest Cultural Forum (October-November 1985) by Miklos Haraszti]

[Excerpts] The Cultural Forum ended without the participants agreeing on a closing document. Thus, seemingly nothing happened that did not disappear without a trace once the Forum ended.

In meetings held in private homes strong words were spoken against censorship, even if they could not be spoken in a hotel. Police surveillance of the underground publisher Dr. Gyorgy Krasso was terminated. Passports were finally given to samizdat intellectuals who previously had been forced to stay home. They allowed some emigrants to come into the country who had previously been forced to stay away. Starting precisely on the first day of the Forum, Western newspapers could be seen at some newsstands in the city center

The domestic press did not mention any of these steps. Nevertheless, they were an inplicit admission that all the restrictions which were now relaxed were unlawful, un-European, and anti-cultural, and that they could easily be terminated.

But who can remind the authorities of this admission, once the holiday is over and only the holy trinity of the central party organization, the cultural police, and the Soviet embassy remains on the scene? And even if it had been possible to agree on a closing document, what would have made the communist countries adhere to its stipulations any more than they have to the Helsinki agreement? Today there is less cultural freedom in every Eastern European country than there was at the time of Helsinki, and if Hungary is an exception, this is not the result of the "Helsinki process."

Therefore, after the Cultural Forum, is everything the same in Europe as it was before? No--the essence of this strange conference remains with us.

Certain things undeniably happened. Totalitarian and democratic countries held a conference about the future of culture, with the intention of reaching a consensus. Also remaining with us is the technique with which the conference was carried out; that is, the use of secret diplomacy, which before only the socialist countries had used for cultural ends. Also remaining with us is a new concept of culture, whose birthplace actually isn't Budapest, but Helsinki.

If the young Lukacs was right, culture is nothing more than development of the desire to perfect ourselves. In Budapest they took a big step, purely by the very existence of the Forum, toward a very possible accomplishment: a common official culture for Yalta-Europe. I call this new culture Helsinki Kitsch, and I suggest that, like the desire we feel to perfect ourselves, it lives and has an impact, even if for now no closing document was achieved.

That the Forum could take place at all is due to the fact that not two, but actually three sides were represented. Two Western points of view are concealed behind the superficial solidarity.

Let's start with the East; at least it is united. True, the Romanians and Hungarians try to make it appear that they swing between the two sides, but in fact they took part in the coordinating meetings organized by the Soviet delegation before and during the conference, and pursued the bloc's common goals.

The second group comprised not only the neutral, by also by some NATO countries, which pursued common goals both before and during the conference. These countries wanted to develop contacts across the iron curtain through their official establishments and experts, regulated by the Helsinki process; they tried to assure the Eastern countries that they did not want to weaken the iron curtain by any other means. Obviously, the point that unites them is the fact that they favor official state contacts. As long as cultural contact can be established between countries, they don't care if guarantees of independent cultural activities are violated; they only pursue the original Helsinki philosophy. These countries suggested changes that would make life easier on a humanitarian level, but did not hope to advance the cause of cultural or political pluralism. On the contrary, they considered such a tendency to be illusory or destabilizing, and therefore dangerous.

The third type of cultural strategy is represented mostly but not exclusively by the NATO countries. They are also not insensitive to humanitarian questions, but a development since Helsinki--the appearance of pluralist opposition--has degraded the politics of detente in their eyes. They hoped that the interest of the East in this Forum would be too strong to permit the socialist countries to remain totally negative about demands for a decrease in the influence of the state. If they wanted to receive festive recognition and admission into European culture through the main gates, the socialist countries would have to show some progress in tolerating non-official culture and undisturbed international cultural contacts.

Naturally their attempts to protect non-official culture is not based on a misunderstanding of the political situation. They obviously don't believe that, with the exception of Poland, the opposition has succeeded anywhere in weakening the dictatorship of the party during the past ten years. They want to ensure that authentic underground pluralism will survive the Communist state, which drives culture in a different direction, because they still hope that someday a truly democratic Europe will come into being.

Evidently this would also be the "line" taken by most of the East European cultural opposition if they could take part in the "Helsinki process." The extreme position, which would demand that the West should not discuss cultural questions with the butcher of Afghanistan and the master of prisons and psychiatric hospitals, would be represented only by a minority. I would agree with Paul Thibaud, who as member of the French delegation, represents a hard but contructive line.

Because of all these factors, the real struggle at the Forum was not between the East and West, but between the two different Western points of view. According to the rules of Helsinki Kitsch, it was an invisible and mute match, which did not end according to the prescribed formula. True, the plan of the hard liners to introduce the concept of independent culture into the legal framework of the Eastern countries--precisely the prospect that makes them tremble most--did not succeed. The Soviet camp counted--and rightly so--on the ability of those taking the more flexible line to force the hard liners to make some concessions on principles. But the culture of Europe--which had been forced on the scale by the Helsinki consensus--still did not tip toward the East.

Nevertheless, the Forum was an excellent example of Orwellian "newsspeak." It was conducted according to the strictly monitored procedures of socialist television. Not one single Western delegation was willing to introduce as its own the statement of the democratic Hungarian opposition, which was excluded from the Forum, or the letter of Charter 77. But the participants did not have it any better; they had no right to make their statements public. As a matter of fact, the official participants had even less chance to make their views public, than those who were kept out of the Forum.

Before only official Eastern Europe ignored culture that was independent of the state; but on this occasion all of official Europe did the same thing.

CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

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Liberty
For All

Testimony of Anna Faltus
Vice-President, Czechoslovak National
Council of America

Before the

Commission on Security and
Cooperation in Europe

ON THE CSCE PROCESS

FEBRUARY 25, 1986

The Czechoslovak National Council of America welcomes the opportunity to testify before the Commission on the question of the advisibility of continuing the Helsinki Process.

We have always been strong supporters of the Commission and its staff for pursuing the goals of the Helsinki Final Act and for blazing the path for human rights. Dedicated individuals such as Cathy Cosman, Meg Donovan, Spencer Oliver, Samuel Wise, Lynne Davidson, Barbara Edwards, Marty Sletzinger, Chris Brescia, John Finerty, Orest Deychak and Bob Hand, have, under the chairmanship of Congressman Dante B.Fascell and Senator Robert Dole, established an arm of the government of the United States, of which we can rightly be proud of.

We have assisted - as did other ethnic organizations with ties to East-Central Europe - in getting the Commission established by supporting the Bills introduced in Congress by Congresswoman Millicent Fenwick and Senator Clifford Case, who realised that the provisions of the Helsinki Final Act, signed on August 1, 1975, had to be monitored to make them workable. The Commission held hearings, published documentation on Human Rights violations in the Soviet Union and in the countries of East-Central Europe, and became the spokesman for the persecuted behind the Iron Curtain.

The Helsinki Final Act also became the rallying point for the human rights activists in the Soviet Union and its satellites, who began to refer to the various Principles and Provisions of the Final Act in their documentation of human rights violations in their respective countries.

I will focus attention on the activities of the citizens' initiative in Czechoslovakia, Charter 77 and its right arm, the Committee for the Defense of the Unjustly Persecuted (VONS). Charter 77 was founded in January, 1977, when over 240 individuals, from all walks of life, signed a Human Rights Manifesto, stating the goals they wished to accomplish. During the subsequent years, more Czechoslovak citizens added their name to the Manifesto. Today, there are over 1,200 Charter 77 signatories, with hundreds of thousands of sympathisers.

The Committee for the Defense of the Unjustly Persecuted (VONS) was founded in April, 1978, and its task is to document, from available information, individual cases of human rights violations perpetrated by the Czechoslovak authorities.

After the publication of the Charter 77 Manifesto, hundreds of persons were fired from their jobs, either for signing the Charter, or for expressing sympathy with it. Some persons were arrested and imprisoned for various periods of time. The government actually declared war on Charter 77 and its resolve to monitor the implementation of the provisions of the Helsinki Final Act. To make its point, the Communist Party official newspaper, "Rude Pravo", published in January a long tirade against Charter 77 Manifesto and its signatories, saying that " those, who lie on the rails to stop the train of history, must expect to get their legs cut off..." On January 24, 1977, "Time" published a cartoon, which described vividly the intentions of the Czechoslovak government (copy enclosed).

VONS is documenting the persecution of Czechoslovak citizens on the basis of Court proceedings, police arrests, detentions and interrogations. Since members of VONS do not have access to these documents in the Courthouses or police stations, it is obvious that they receive assistance from persons, employed within the "system", who do not work against the regime publicly, but support the goals and activities of the human rights activists. VONS has, during the eight years of its existence, issued close to 500 "communiques", documenting over 2,500 cases of individual persecution and violations of human rights. In view of the fact that this Committee is operating under extremely difficult conditions, it is amazing that it was able to document that many cases of human rights violations. Many more cases, however, remain unreported for obvious reasons.

Charter 77 itself has since 1977 issued approximately 250 major documents. These documents deal with issues, such as: discrimination in employment; abuse of Czechoslovak Laws and Constitution; prison conditions; right to education; distortion of history; economic issues; ecological issues; right to travel, free flow of information; deployment of Soviet missiles in Czechoslovakia; situation in churches; the so-called "temporary" stationing of Soviet troops in Czechoslovakia it addressed itself to the Belgrade Review Meeting; to the Madrid Review Conference and its Concluding Document; to the Ottawa Human Rights Meeting; to the 10th anniversary of the signing of the Helsinki

Final Act; to the Budapest Cultural Forum with a three page statement and a 300 page publication, entitled " A Besieged Culture".

Some of the documents are one page in lenght, while others are 5, 10, 15, 20 and even 30 pages long.

Charter 77 also issued:

a) a document, addressed to the Polish authorities, when Martial Law was declared in Poland; it has, since then, issued several documents on the situation in Poland, the last one on November 7, 1985: several activists were imprisoned for handing out leaflets in support of Polish workers;

b) a document, dated September 5, 1983, in which it denounced the shooting down of the Korean airliner, expressing sympathy for the relatives of the victims;

c) and just recently Charter 77 voiced protest against planned restrictions on travel to Hungary and pointed out that such restrictions would cause hardship for the Hungarian minority in Czechoslovakia, whose members would find it difficult to visit their relatives and friends in Hungary.

Besides issuing documents, individual members of the Charter 77 initiative also write letters to various officials on subjects concerning human rights and related issues. Hundreds of such letters have been addressed to Czechoslovak authorities, from President Husak down to the heads of various departments.

In 1979 the Czechoslovak authorities staged a mass trial of ten members of VONS (Committee for the Defense of the Unjustly Persecuted) and sentenced six of them to various prison terms under para 98, item 1, 2 and b) of the Czechoslovak Penal Code (subversion of the Republic in collusion with a foreign power) for their activities in Charter 77 and VONS and for "spreading hostile propaganda" against the socialist system: Vaclav Havel to 4½ years, Jiri Dienstbier to 3 years; Vaclav Benda to 4 years; Petr Uhl to 5 years, Ota Bednarova to 3 years and Dana Nemcova received a 2 year suspended sentence.

Yet, even from their prison cells Vaclav Havel, Jiri Dienstbier and Vaclav Benda managed to smuggle out a letter in December, 1980, which was addressed to the delegates of the Madrid Review Conference. And in January 1981, another group of political prisoners smuggled another letter out of their prison, which, too, was addressed to the delegates of the Review Conference in Madrid.

The reasons I am referring to the various documents are these: (1) it takes courage to take a public stand in a totally controlled society; (2) it is dangerous to comment on situation abroad, when the comment is in opposition to the official view; (3) it is extremely dangerous to comment on anything from a prison. Yet - all this is happening, because the human rights activists behind the Iron Curtain believe in the CSCE process.

The difficulties are compounded for the following reasons:

a) Charter 77 signatories do not enjoy the luxury of being able to meet and to discuss the preparation of a document;
b) they cannot use the telephone, because it is equipped with a listening device, or they are not permitted to have one;
c) they cannot correspond about it, because the mail is censored;
d) they have to communicate indirectly, through friends and sympathizers;
e) documents - especially those addressing issues such as the abuse of laws, discrimination in education, etc. - are prepared in sections by Charter 77 signatories and by specialists in their field, such as lawyers, scientists, historians, educators, etc. who may not be Charter 77 signatories, but who support Charter 77 goals and activities;
f) when all sections of a specific document are ready to "put together", someone will have to type it and make copies.

To make things even more difficult, the security police will use any pretext to conduct a house or an apartment search, during which it confiscates all documents, drafts and other literature and very often delays the issuance of a document, because no copies are available and it has to be drafted from scratch. And on top of everything else, the regime is using para 118 of the Czechoslovak Penal Code ("unauthorized business venture") - which is to be used in cases of illegal production of drugs, firearms, etc. - to confiscate typewriters, paper and duplicating devices, claiming that the person, using these tools, is engaged in "unathorized business venture" and thus makes it almost impossible for anyone, not working for the "system", to function.

Charter 77 signatories and their friends and sympathizers are also involved in keeping up the "flow of information" in a "samizdat" form, through "self-service" - by copying articles, historical thesis, essays, papers on various subjects, article published abroad, etc. and distributing them through underground channels to interested citizens. A network of dedicated men and women work on these projects in their underground "editorial rooms", on their own, without a cent of contribution from anyone, and with the knowledge, that it will not bring them any glory; that, on the contrary, they may be arrested, interrogated, or even imprisoned. Their only hope is that sometime, in the future, someone will appreciate their endeavor to uphold the continuity of the nation's culture.

Only when we realise all these difficulties, complications (to put it mildly),and the total control by the communist regime over the population, its public and private life, from cradle to grave, will we be able to appreciate their courage and dedication to the idea of freedom and self-determination.

It is easy for us here, in the free world, where we have so much freedom that we sometimes do not know what to do with it - and, therefore very often abuse it - to be "armchair generals" and regard the people"over there" as "complacent","satisfied with their lot", enjoying "goulash communism", etc., etc., implying that they could do more for themselves. Yet - when they do go out in the streets and try to fight tanks and machine guns with bare hands, stones and sticks, as happened in Poland, Hungary and Czechoslovakia, we get scared and fear, that they will start a war, "..in which we would have to go and fight for people we know nothing about...".

Since no one wants war - least of all the people behind the Iron Curtain, because they would be its first victims - we have to give them encouragement and assurance, that their dedication to freedom and self-determination, is not wasted. No resolutions and speeches - but physical presence where it counts. Charter 77 signatories still firmly believe in the CSCE precess and are dedicated to it; however they are tired and exhausted after so many years of persecution, interrogations, detentions and imprisonment. As Vaclav Havel, the most renown and respected playwright and author in Czechoslovakia, who is under constant surveillance and police harassment, pointed out in a recent document, prepared for the Budapest Cultural Forum: "...I expect that the Cultural Forum will pass resolutions, no less beautiful than those passed in Helsinki or Madrid. Unfortunately, resolutions can neither feed a man, nor set him free...".

During the first Review Conference in Belgrade, Yugoslavia, which is a communist state, just as oppressive as are all the others, the only difference being, that it is not a member of the Warsaw Pact - Congressman Dante B. Fascell said :"...... we shall stay there as long as necessary - until hell freezes over...", and no words were minced when it came to discussions of human rights violations in the communist states. Senator Robert Dole presented, in Belgrade, a statement on Principle VIII of the Helsinki Final Act - Equal Rights and Self-Determination of Peoples - a Principle,which is very often forgotten or passed over in discussions of human rights. Senator Dole named specifically all the ethnic groups in the United States, who have an interest in this Principle with regard to countries from which they or their ancestors came. The significance was not only in what he said - but where he said it: right there, behind the Iron Curtain. Congressional presence there gave the Belgrade Review Conference a deeper meaning.

It is most unfortunate that no member of Congress could attend the Cultural Forum in Budapest, either on his own, or as a member of a delegation. Our delegation and the people behind the Iron Curtain were deprived of much needed support. What we say here is not as important, because we are talking only to each other. What is needed is more physical presence of legislators from democratic countries in those countries, where the all pervasive totalitarian system is strangling the population - to give the citizens there some assurance that they have not been pushed into oblivion.

Charter 77 prepared, in November, 1979, some suggestions for the Madrid Review Conference, as to what new programs, within the framework of the CSCE process,should be proposed.

We have included these suggestions in a Brief, prepared on October 31, 1980 for Counselor Rozanne Ridgway, State Department, on behalf of the American East European Ethnic Conference (AEEEC) and again in a Point Paper, prepared by the same working group on December 13, 1983 for the Assistant Secretary for Human Rights and Humanitarian Affairs Elliott Abrams. It is worth repeating at least two of the suggestions:

1) Based on Provisions of Principle X of the Helsinki Final Act, the United States should propose the establishment of a mechanism under CSCE by which the laws of the signatory states would be reviewed and findings published on those laws, which do not conform with the internationally accepted norms and commitments (or which are being abused by the signatory states):

   (Examples: (a) the already mentioned para 118 of the Czechoslovak Penal Code:"unauthorised business venture", which permits the authorities to confiscate typewriters, paper, duplicating devices, and thus make it impossible for writers, journalists, teachers and others who do not follow the party line, to pursue their profession;

   (b) para 203 of the Czechoslovak Penal Code: "parasitism" (sponging) - which permits the authorities to punish citizens who try to work on their own rather than work in government controlled jobs or professions.)

2) In view of the legitimate role played by the Helsinki "watch groups" established in signatory states - a formal body should be established under CSCE auspices, to which members of those groups could address their grievances and seek redress.

We feel that these suggestions should be made a part of the agenda of the next Review Conference in Vienna in November, 1986.

In closing I would like to commend the Commission for its initiative in sending to the human rights activists behind the Iron Curtain a brochure with a greeting and containing some pertinent information concerning human rights - their rights - and the Cultural Forum in Budapest.

We would also hope that the Commission will - as suggested - try to "educate" the public about the issues involved in the CSCE process and start preparing press releases and statements for the media.

As part of my testimony, I would like to enclose a letter, written by Vaclav Havel on August 25, 1985 to the Prosecutor General of Czechoslovakia, which will better illustrate the situation behind the Iron Curtain and what the human rights activists have to cope with. Vaclav Havel is under constant surveillance, has been imprisoned several times (the last time for 4 years) and detainedfor 48 hours on dozens of occasions - and only because he wants to live and act like a "free man".

* * * * * *

Encl.

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March 3, 1986

STATEMENT
on the
IMPLEMENTATION OF THE UNITED STATES HUMAN RIGHTS POLICY

Ten years after the signing of the Helsinki Final Act, its impact on the human rights conditions in the countries of the Soviet block remains very limited. Their Communist dictatorships openly and brazenly flout the Act's provisions and continue--and in some respects intensify--policies of repression designed to deny their peoples the basic freedoms which they committed themselves to respect.

Western governments, the United States included, tacitly yield to the Soviet block's intransigence fearing the disruption of the Helsinki Review Process, which would deprive them of an official forum to express, too often timidly and inconsistently, their concerns over the continuing violations of the Act's human rights provisions.

Human rights are not an abstract concept. Their universal application is a critical element in the strategy of global peace and security. As Andrei Sacharov cautioned, as long as totalitarian regimes can pursue their objectives of external subversion and expansion in total secrecy, immune from an effective oversight by an informed citizenry, peace and security of other nations will remain endangered. Thus, the unavoidable linkage of policies governing trade and economic cooperation, arms control, resolution of regional conflicts, and the cultural and scientific exchanges to human rights. Thus, an urgent need to restore human rights as a co-equal, highly visible and vigorously pursued criterion in the United States overall foreign policy.

The implementation of the above recommendation requires that a much broader role in the Helsinki Review Process be accorded to the Commission on Security and Cooperation in Europe and the Non-Governmental Organizations (NGO's) representing ethnic human rights constituencies, such as the Polish American Congress, the Joint Baltic American National Committee, the American East European Ethnic Conference and others. Appointments of their representatives as public members of the United States delegation to the forthcoming Review meetings would highlight the emphasis the United States places on human rights within the context of our overall policy, and provide the U.S. delegation with an independent expertise, strengthening its posture vis-a-vis representatives of the Soviet block governments.

It should be noted that repression of human rights in the Soviet block is increasingly based on specific laws enacted to curb their application. Such laws violate directly the Helsinki Final Act commitments. Accordingly, they should be investigated and their non-compliance made part of the Review Process, as recommended in testimony presented to the Commission on February 25, 1986 by Mr. Istvan Gereben on behalf of the American East European Ethnic Conference.

In respect to Poland, such laws include primarily repressive amendments to the Penal Code providing stiffer sentences, broader use of pretrial arrests and simplification and shortening of trial procedures which effectively deny the accused the protection of the due process of law, and the amended law on higher education which abolished academic freedoms and vested total control over the universities and scientific institutions in the Party-controlled government. Further, the strict provisions of the censorship law and abolition of professional associations of journalists, writers, actors and artists violate directly the Helsinki Final Act's provisions guaranteeing the free flow of information and ideas.

The Polish American Congress is fully committed to render to the courageous people of Poland, led by "Solidarity" and its leadership, Lech Walesa and the underground Temporary Coordinating Committee (TKK), all effective assistance in their determined struggle for human rights and dignity and democratic freedoms.

We pledge our full cooperation with the Commission on Security and Cooperation in Europe and the United States government in the pursuit of a vigorous human rights policy.

K. Lukomski
Kazimierz Lukomski
Vice President

APPENDIX 3

Attachment A/

Ten Years After the Helsinki Final Act

A Letter from the Helsinki Committee

The Helsinki Committee sent the following letter to the delegations attending the proceedings "celebrating" the tenth anniversary of the signing of the Helsinki Final Act. Ten years after the signing of the Accords, which initially was seen by opposition activists in the East as a means of demanding guarantees for human rights, the Helsinki Committee in Poland has examined whether or not the promises of the Helsinki Accords are still relevant. The Helsinki Committee in Poland, which has been formed underground to prevent the arrest of its members, has prepared comprehensive reports on human rights violations since the imposition of martial law; its reports are available in English from the Committee in Support of Solidarity and Helsinki Watch, both in New York. This letter has been translated by the Committee in Support of Solidarity.

On the tenth anniversary of the signing of the Final Act of the Conference for Security and Cooperation in Europe, representatives of the signatory governments are meeting in Helsinki. This meeting will not take place in a situation that invites joyous ceremony to mark the event. Rather, it should invite some serious consideration as to the very basis for the continuation of the Helsinki process.

The subjects of the Helsinki Accords are the governments that signed it. An assessment of the effects of the Accords and any more decisions taken as to the further fate of the Final Act will depend on the signatory parties. We feel, however, that in forums where the signatories are meeting there should be heard voices independent [of the state delegations]. Such voices should be heard especially from those countries whose governments do not observe their human rights obligations under the Accords. For any statements by these governments concerning the subject of human rights cannot be seriously considered.

Directed by this belief, the Helsinki Committee in Poland, following upon a previous initiative to submit documentation to the Madrid Review Conference, has prepared a wide range of documents describing human and civil rights abuses in the Polish People's Republic during the period from the imposition of martial law to March 1985. A general report describing this entire period was sent to delegations participating in the Ottawa Review Conference on Human Rights. It is our wish that the representatives of the signatory countries take the information contained within these documents into consideration.

One of the basic obligations of the Final Act is "the respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief." Such is the wording of Point VII in the Declaration on Principles Guiding Relations Between Participating Governments [also known as part of Basket III of the Accords.] The belief is expressed that the respect for human rights and basic freedoms "is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves [the participating governments]." Consequently, on the occasion of the tenth anniversary of the Helsinki Final Act, any assessment of the observance of provisions concerning human rights and fundamental freedoms by participating states is one of the principal factors in determining whether the Helsinki Accords has had beneficial effect and whether it will be possible to maintain the "consensus" by which the Accords' review procedeedings are constituted.

More and more the question is being asked whether it makes any sense to be a party to the Helsinki Accords. The reason for questioning its validity is the well-known violation of human rights by East European and Soviet governments. Some are even saying that instead of ensuring norms established by International Covenants on human rights, the function of the Conference on Security and Cooperation in Europe is the legitimization of the status quo.

If such were the function of the Helsinki Accords it would be consonant with the wishes of the government of the P.R.L., which -- together with the other East European governments -- desires only the recognition [by the West] of the "differences of socio-political systems". In response to any criticism of its violations of human rights, the government of the P.R.L. demands the respect of the provision guaranteeing "non-interference in the internal affairs of another country." (Point VI of the Declaration of Principles.) In this light, it should be stressed that the government of the P.R.L. never recognized as of any importance the human rights provisions in the Helsinki Accords. In a 1983 collection of documents concerning the Conference for Security and Cooperation in Europe published by the Polish Institute for International Affairs, there is an introduction on the historical context of the Accords. In it the author writes:

> Among Western authors the argument prevails that the meaning of the Helsinki Accords is connected above all with the issue of human rights. In Poland, however -- as in other socialist countries -- the Conference for Security and Cooperation in Europe is viewed as a common success and the greatest political success in the history of European governments. The resolutions of the Conference express the balance of interests of all participating governments of the many-faceted process. (emphasis ours)

The Minister for Foreign Affairs of the P.R.L., Stefan Olszowski, is also quoted in the same publication:

Continued

> The Europe of the future is for us a vision of an edifice supported on a solid foundation. Such a foundation already exists. It is the territorial and political reality of contemporary Europe. Without the recognition of this reality, constructive politics striving for a peaceful future is impossible. . . . From the Conference we expect the acceptance of mutual obligations for the strict adherence to the principles guiding relations between governments. From among the ten principles included in the final recommendations of the Conference in Helsinki, the principles of the inviolability of national borders and the territorial integrity of governments have a key meaning in the specific historical and political situation of our continent.

For the government of the Polish People's Republic, not only do human rights have a secondary importance but it also dismisses criticism of human rights abuses by stating that such criticism is based upon the "one-sided" understanding of these rights [by the West]. The Polish authorities use the ambiguous argument about the inter-dependence of social, civil and political rights in order to deflect issues of human rights onto a future agenda. Characteristic of the position of the P.R.L. is their opposition to follow-up conferences that evaluate the compliance of signatory parties to their treaty obligations. In the aforementioned commentary on the Conference documents, the postulate put forward by the East European governments is cited concerning "changes in the form of multilateral meetings of the Helsinki Final Act signatories." The changes favored by these governments would "assure the concentration of the participants' attention to finding ways to improve relations between East and West, and not on mutual criticism, polemics and accusations. [The changes would also] focus attention on changing the main emphasis of the deliberations from evaluating the past to forming new resolutions."

The East European governments are attempting -- as far as we know with limited success -- to impose upon the C.S.C.E. forum the style they maintain within their own societies: aversion to criticism, peculiar world-views, and attempts to form a false consensus; all of which are used exclusively for propaganda purposes.

In light of the existing attitude of the P.R.L. and other East European governments, the continuation of the Helsinki process carries the risk that the democratic governments will seek to maintain a consensus at any cost, and through this consensus allow for the transformation of future Helsinki Conferences into forums for legitimizing force and aiding the diplomacy of dubious interests. Such fear was expressed by a group of dissidents who recently left the U.S.S.R. In their dramatic appeal to the Western governments they wrote, and justly so, that "ten years after the Helsinki Final Act no one can say that these accords in any way limit the arbitrary behavior of the communist authorities." Their ten-year assessment of the Helsinki Accords includes such points as: the invasion of Afghanistan, martial law in Poland, the persecution of human rights activists in the Soviet Union and other communist countries, and the aid given by East European governments to the international terrorist movement. "It will not be possible," wrote our friends, "to bring back to life Helsinki Committee activists who have died in the camps, the lives of Aleksi Tichi, Valeri Marchenko and Yuri Litvin from the Ukraine, and Eduard Arutunian from Armenia. It will not be possible to give back to Yuri Orlov, Anatoli Shcharansky and other prisoners of conscience the years they have spent in the camps. It will not be possible to bring those who have perished in Poland and Afghanistan back to life."

We share in their pain and bitterness.

Despite all of these considerations, we believe that the role of the Helsinki process as an instrument to restore human and civil rights to Poland and other East European nations has not yet been destroyed.

The Helsinki Final Act and the Final Document of the Madrid Conference continue to be a valuable foundation for the aspirations of Eastern European peoples. The Accords broaden the number of activists engaged in the struggle for human rights. They bring an awareness of citizens' rights to the everyday confrontations with their government. The Helsinki process has hardened minds against anti-Western propaganda, and at least has weakened its effectiveness. The Polish experience has taught that in moments of open social confrontations, each of which end a cycle of institutionalized lawlessness by the authorities, the awareness that standards of human rights for all people exist has encouraged the development of rational social demands and increases the chances for a peaceful solution to social conflict.

So that the above-mentioned values of the Helsinki Accords in the field of human rights do not become a medium for illusions and indifferent attitudes, the governments of democratic countries must have clear knowledge of the fact that these agreements have been all but nullified by the East European governments. In this light, the single reason to "continue" the Helsinki process may be, in fact, its renewal. It is necessary to return strength to the principle that all Baskets of the Accords are inseparable. At this point, amendments to agreements that are not respected signify the legitimization of the current situation. It is thus necessary to enumerate concrete violations in the area of human rights and to specifically address such violations.

In the hope that future meetings of the signatory governments will take such a form, we plan to continue the publication and distribution of documents concerning the situation of human rights in our country.

The Helsinki Committee in Poland, July 1, 1985

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Attachment B/page 1

The Situation of Human Rights in the Polish People's Republic

Testimony Submitted to the Commission on Security and Cooperation in Europe

February 25, 1986

More than four years since the imposition of martial law by the government of General Wojciech Jaruzelski, the authorities of the Polish People's Republic continue to repress Polish society for exercising fundamental human rights.

I. The Use of Political Imprisonment

Today, Solidarity leaders continue to be imprisoned, detained, harrassed, and subjected to cruel and unusual punishment. At this time, two members of Solidarity's national leadership body formed following martial law's imposition, the Temporary Coordinating Commission (T.K.K.), are held under arrest and charged with treason for their union activities. Bogdan Borusewicz, from Gdansk, was arrested on January 11, 1986 and Tadeusz Jedynak, from Upper Silesia, in June 1985 and are being held under investigative arrest on these charges. Further, three Solidarity leaders, Wladyslaw Frasyniuk, Bogdan Lis, and Adam Michnik were sentenced to 3½, 3, and 2½ years' imprisonment respectively for "attempting to organize a strike" and for "belonging to and leading an illegal organization," that is Solidarity. Their appeal, scheduled for hearing before the Supreme Court of Warsaw on January 15, has been postponed indefinitely.

The authorities are now also prosecuting similar charges against Czeslaw Bielecki, who is not formally a representative of the union. Bielecki, previously charged under Article 132 ("maintaining contacts with foreign organizations and centers hostile to the interests of the P.R.L.," subject to up to 5 years' imprisonment) is now being charged under Article 128, which refers to "making preparations" to commit an offense under Article 123, or treason, the charges levied against Borusewicz and Jedynak. He is subject to from one to ten years' imprisonment under this charge, as well as five years on charges of "leading an illegal organization."

But there are two to three hundred more political prisoners in Poland today, who, in Bielecki's words, "are among the many anonymous, honest citizens who remain faithful to the ideas of Solidarity." Despite an official "review of charges of persons held under investigative arrest" and the release, according to the government, of approximately 200, new arrests refill the revolving door of Poland's prisons. The government spokesman, Jerzy Urban, claims that now only 198 persons are imprisoned on "political" charges, a reduction of 200 from October 1985 according to government figures. However, the government easily manipulates such figures and clearly do not take into account numerous arrests in the past three months. Moreover, the government does not include in its accounting such prisoners as conscientious objecters to military service, among them 12 Jehova's Witnesses and several members of the Freedom and Peace movement. While it is impossible to set any accurate figure on the number of political prisoners, it is more likely nearer 250-300, if not more.

II. Repressive Legislation

Martial law, or in Polish "state of war," imposed on December 12, 1981, was formally lifted by the Sejm, or Parliament of the Polish People's Republic (P.R.L.) in July 1983. However, almost all repressive powers of martial law have been incorporated into civilian legislation and additional powers of arrest, detention, dismissal, and the use of force have been added. Thus, martial law is lifted only in name. Over 100 pieces of legislation have been adopted since martial law's imposition.

The legislation incorporated by the government includes granting powers to police organs to arrest or detain arbitrarily, to use firearms or force against unarmed civilians, and to search and seize without a prosecutor's order. Further, the Law on Trade Unions "delegalized" Solidarity and other independent unions and professional associations and makes illegal any efforts to organize free trade unions or to strike. The Law on Persons Shirking Work subjects those unemployed, including thousands of Solidarity activists dismissed from work, to penalties of fines, imprisonment or forced labor. Recently, the authorities have begun to employ this legislation. Government spokesman Jerzy Urban has confirmed that over 7,000 individuals have been assigned to state labor teams as a result of the legislation, although it is not clear to what extent it is used against dismissed Solidarity members. Even if it is not widely employed against Solidarity activists, it serves to threaten anyone who cannot certify employment.

Censorship has been reinstituted; managers have been granted broad powers to dismiss workers arbitrarily; and workers are not allowed to change employment without approval from the state. Further, the recently-enacted Law on Higher Education grants broad powers to the Ministry of Higher Education to control appointments and dismissals at universities, to employ and dismiss faculty and students, and to punish individuals by dismissal if they are active in independent activities.

Most important are amendments to the Penal and Misdemeanor Codes. The authorities have increased penalties of imprisonment for "belonging to or leading an organization which is kept secret from the authorities," that is Solidarity or any independent organizations forced underground (now subject to 3 to 5 years' imprisonment); for "participating in an unauthorized demonstration" (3 years); or for distributing independently printed publications or leaflets, which is considered an action "that may serve to cause public unrest"; this last provision, Article 282a(1), is subject to up to 3 years' imprisonment.

Further, fines have been increased, in some cases tenfold, for both Misdemeanor and Penal offenses. Thus the courts often sentence individuals to 50-100,000 zlotys fines, equivalent to 4-6 months' average wage. Under present law, anyone who aids a defendant in paying the fine is subject to imprisonment, including charitable arms of the Church. As well, courts may now institute "summary" proceedings without restriction in both Penal and Misdemeanor cases, thereby restricting the rights of the accused.

III. Cruel and Unusual Punishment and the Use of Force and Torture

Political prisoners are subjected to various forms of cruel and unusual punishment, including: beatings and the infliction of torture by prison guard personnel; poor quality and maggot-infested food rations; deprivation of proper medical treatment for serious illnesses, physical infirmities, and injuries; overcrowding of cells; poor sanitary conditions, including lack of toilet facilities; personal searches and confiscations of personal belongings; assaults on prisoners' dignity through the enforced wearing of prison-issue clothing; limitation of exercise periods and grounds; deprivation of warm clothing and lack of heat, exacerbating physical infirmities; incarceration in cells with criminal prisoners and deprivation of contacts between political prisoners; deprivations of family visits, correspondence, and food and clothing parcels; and limitations on purchasing food and other items from the prison's stores. In many cases that have been reported, prison authorities have instituted a number of punishments -- including incarceration in a "tiger-cell" -- when political prisoners have demanded more humane treatment in conformity with the P.R.L.'s own prison regulations.

The authorities target political prisoners for such treatment, although conditions for common criminals is also substandard.

Political prisoners often go on hunger strikes to demand better treatment, resulting in even more punitive repression. In Leczyca prison, nine prisoners went on hunger strike in the fall of 1985 for a total of two months. These prisoners were subjected to solitary confinement, restriction of exercise, incarceration in "tiger cells" and beatings. At Rakowiecka Street Detention Center, which houses persons under investigative arrest, three prisoners, including Czeslaw Bielecki, have been on hunger strike for over four months, and they are being force-fed.

Police organs have used force and torture against participants in independent assemblies and against persons detained or held under investigative arrest. Further, secret police have, with greater frequency, abducted, beaten, tortured, and even killed Solidarity activists. These attacks and killings by what the authorities call "unknown assailants" have resulted in several dozen deaths. Even priests have been the target of attack by such "unknown assailants." Since martial law was imposed, over 100 persons have been killed by police or "unknown assailants"; and an untold number have suffered from beatings and torture.

APPENDIX 4

Hearing on Human Rights and the CSCE Process

Commission on Security and Cooperation in Europe

Part I: Eastern Europe

February 25, 1986

9:30 a.m.

SD-538

Questions for Witnesses

Istvan Gereben, American East European Ethnic Conference

1. MANY FAVOR QUIET DIPLOMACY AS THE BEST WAY OF DEALING WITH THE GOVERNMENTS OF THE USSR AND EASTERN EUROPE ON HUMAN RIGHTS ISSUES. DO YOU AGREE WITH THIS VIEW? IF NOT, IS THERE NEVERTHELESS SOME UTILITY TO QUIET DIPLOMACY? WHY OR WHY NOT?

Nearly 70 years of track record proves that the Soviet Union usually is not responsive to persuasion to alter any of its policies, change its attitude by quiet diplomacy. Quiet diplomacy, at best, is useful in achieving solutions to individual human rights cases. We must state, however, that we are unaware of any violations that have been resolved through quiet diplomacy without being preceded by public condemnation. We observed in the past that Western governments used the conduct of quiet diplomacy as an excuse to avoid hard choices, to circumvent unpleasant confrontation, and to evade admission of the erroneous perceptions about human rights policies of some governments. We stress that net results count, regardless of the means by which they are achieved. We recognize that diplomacy by its very nature must use a variety of ways to achieve its ends.

It would not be appropriate to exclude either the quiet, behind the scenes or the more publicity oriented version of diplomatic activity. However, it is important that the two approaches be used appropriately. If quiet diplomacy does not produce results in the field of human rights, then public diplomacy must be used to achieve the redress of grievances and the cessation of human rights abuses.

It is important to emphasize here that quiet diplomacy in human rights matters must never mean keeping quiet about a general lack of respect for human rights. It is, at best useful, in achieving certain diplomatic solutions to outstanding human rights cases.

Above all, care must be exercised in how the two approaches are coordinated.

2. DO YOU BELIEVE THAT THE ACHIEVEMENT OF A FINAL DOCUMENT IS IMPORTANT FOR CSCE MEETINGS? ANY KIND OF DOCUMENT, EVEN ONE THAT STANDS LITTLE CHANCE OF ACTUALLY BEING IMPLEMENTED?

The document which is important for the CSCE process is the Final Act. We do not need more verbiage on human rights. We need compliance with those committments that are already assumed by the 35 signatures.

3. IT APPEARS THAT SOME SORT OF AGREEMENT MIGHT BE REACHED THIS YEAR IN STOCKHOLM AT THE CDE. IF NO AGREEMENT COMES OUT OF THE UPCOMING BERN HUMAN CONTACTS EXPERTS MEETING, THIS WOULD MAKE STOCKHOLM THE ONLY CSCE FORUM WITH A FINAL DOCUMENT TO BE SENT TO VIENNA. HOW DOES THE EAST EUROPEAN ETHNIC COMMUNITY VIEW THE STOCKHOLM CDE AND ITS RELATIONSHIP TO THE REST OF THE HELSINKI PROCESS? IF PROGRESS IS POSSIBLE IN THE SECURITY AREA ONLY, ISN'T THAT BETTER THAN NOTHING AND THEREFORE SOMETHING THE U.S. SHOULD ACCEPT?

As we stated in our testimony we cannot accept the misguided approach to diplomacy which separates security considerations from the defense of individual human rights, anywhere in the world. If we in the West mean to safeguard our own freedoms and privileges while we disregard the abridgement of freedoms, the attack on the human spirit, and the economic hardships of people in other countries, then our own freedoms and privileges are not as safe as we delude ourselves into believing. Freedom and justice cannot survive here if they are not defended everywhere else in the world. Such a defense is often a complex, unpleasant task, involving compromises that may require sacrifices on our part and may not be fully satisfying for those whose lives and rights are being abused, but if we give up even the effort to achieve partial successes, then we ultimately endanger our security much more than if we simply refuse to sign security agreements with the representatives of totalitarian governments. Besides, the sad experiences of the past nearly 70 years have shown that totalitarian governments do not respect security agreements, if these limit their capacity to expand and reinforce their power. That being the case, it is even less propitious for us to compromise our principles by separating "security" and human rights considerations. The subsidiary meetings mandated by the Madrid Meeting were proposed by the Soviet Block with the division of the West in mind. Consenting to the breaking of linkage between the three baskets of the Final Act would further undermine the credibility of the Helsinki Process. Culpability of the West in human rights violations committed by the Warsaw Pact government should not be a reward for Soviet efforts to stress for "security" agreements.

4. THE AEEEC HAS ADVOCATED THE APPOINTMENT OF NON-GOVERNMENTAL REPRESENTATIVES OR "PUBLIC MEMBERS" TO UPCOMING CSCE CONFERENCES. THE COMMISSION HAS LONG SUPPORTED THIS IDEA. WOULD YOU KINDLY ELABORATE ON HOW YOU THINK THE PRESENCE OF PUBLIC MEMBERS WOULD ENHANCE THE EFFECTIVENESS OF U.S. DELEGATIONS? WHAT CRITIERIA SHOULD BE APPLIED IN SELECTING THEM?

As we have pointed out in our testimony on 25 February 1986, we strongly support the appointment of non-governmental representatives at upcoming CSCE conferences. The primary role of such independent members would be to emphasize the point that in the United States Helsinki related diplomatic activity cannot be limited to inter-governmental contacts. Such representatives would provide the delegation with detailed knowledge of specific aspects of the issues under consideration, serve as direct liaisons between NGOs and by example encourage our allies to follow the United States in establishing public participation in the Helsinki Process. The presence of public members in the U.S. delegation would remind our government envoys that ultimately they are there at the sufferance of the U.S. voter, and they come to "gentlemen's" agreements with representatives of hostile governments at the risk of jeopardizing the mandate of the elected officials who have chosen them to represent the American people. Especially in the field of human rights, a subject which concerns the average American, we must not relinquish public participation.

A good criteria for selecting such independent representatives would be that they represent as broad a segment as possible of those most concerned about the particular topics being discussed at the CSCE meetings.

They could be recommended by non-governmental organizations based on their knowledge relevant to the particular aspects of specific meetings, on their dedication to the principles of human rights and on their committment to serve.

5. CHARTER '77 ADDRESSED AN IMPRESSIVE REPORT ON CULTURAL REPRESSION IN CZECHOSLOVAKIA TO THE PARTICIPANTS IN THE BUDAPEST CULTURAL FORUM LAST FALL. THAT THE CHARTISTS AND OTHER ACTIVISTS IN CZECHOSLOVAKIA CONTINUE TO INVOKE THE HELSINKI ACCORDS IN DEFENSE OF THEIR RIGHTS WOULD SEEM TO ATTEST TO HELSINKI'S VIABILITY AS A TOOL OF HUMAN RIGHTS DIPLOMACY. HOW CAN THAT TOOL BE EMPLOYED MORE EFFECTIVELY BY WESTERN GOVERNMENTS? FOR EXAMPLE, YOU HAVE LONG URGED THE ESTABLISHMENT WITHIN OTHER WESTERN GOVERNMENTS OF BODIES MODELED ON THE U.S. HELSINKI COMMISSION. HAS THERE BEEN ANY PROGRESS IN THIS DIRECTION?

While it is true that Charter 77 addressed an impressive report on cultural repression in Czechoslovakia to the participants in the Budapest Cultural Forum and that Chartists and other human rights activists in Czechoslovakia continue to invoke the Helsinki Accords in defense of their plight - it is equally true that all this has been accomplished at great expense to their safety, health, their families, including children who are not permitted to pursue higher education.

The preparation of any major document is an arduous and painstaking task - as shown by the testimony on Czechoslovakia. Arrests, detentions, interrogations, imprisonments, house searchers, surveillance, house arrests, loss of employment, confiscation of personal property (typewriters, duplicating devices, paper, books and magazines, etc.) and even psychiatric abuse - are the order of the day. Charter 77 signatories believe in law and order and in the implementation of agreements signed and incorporated into the Czechoslovak legal system. They believe that the Helsinki Final Act is a proper tool for human rights dimplomacy. However, they had hoped that Western governments, who are responsible for the human rights provisions of the Helsinki Final Act, will do more in the way of insisting that it be implemented. Thus far it has been the United States, which has been the most outspoken with regard to human rights violations in Soviet-block countries. As Vaclav Havel, the most active and best known author and writer in Czechoslovakia, says in his essay prepared for the Cultural Forum in Budapest: ". . . I expect that the European Cultural Forum will pass resolutions, no less beautiful than those passed in Helsinki or Madrid. Unfortunately, resolutions can neither feed a man, nor set him free . . .".

With regard to progress in the establishment within other Western governments of bodies modeled on the U.S. Helsinki Commission: our sister organizations in other western countries do not have the same opportunities we have in the U.S. to press for the establishment of such bodies, because the system of government in Europe is different. The best progress can be noted in Canada, where our sister organizations were able to make a breakthrough in getting recognized as entities the Canadian government should deal with. As far as we know, some type of a Committee has been established but it held no meetings or briefings for the preparation of Budapest or Bern. Much remains to be done to make it a viable tool of the Helsinki process.

During their visit to Washington, the Sub-Committee on Free Flow of Information and People of the Atlantic Alliance, met with a representative of AEEEC, who stressed the importance of the establishment of Helsinki Commissions or Committees within their parliamentary systems, and the role of non-governmental organizations in furthering the Helsinki process. A promise was made by those present, who represented several West European countries, that an effort will be made to expand the role of the so-called CSCE Desks, presently established in their respective countries for the CSCE process; to enlarge their staffs and to give them more authority to enable them to deal more effectively with issues involved in this process. The representative from Spain expressed special interest to work with our organizations in Spain. However, we have no information as to whether such a change did in fact take place. In view of the difficulties encountered by our sister organizations in Europe, it will be up to our government and members of the Commission to press for an effective change.

6. IT HAS OFTEN BEEN SAID THAT THE HELSINKI PROCESS IS NOT AS EFFECTIVE IN FOSTERING IMPROVEMENTS IN THE SOVIET UNION AS IT IS IN EASTERN EUROPE AND THAT HELSINKI PROVIDES GREATER LATITUDE FOR INDIVIDUAL EAST EUROPEAN COUNTRIES TO ENGAGE THE WEST INDEPENDENTLY OF THE SOVIET UNION. DO YOU AGREE THAT CSCE HAS FURTHERED EVOLUTIONARY CHANGE IN EASTERN EUROPE? DO YOU SUPPORT A DIFFERENTIATED APPROACH TOWARD EASTERN EUROPE AND THE USSR IN CSCE? ALSO, I WOULD LIKE TO HEAR YOUR VIEWS AS TO WHAT HELSINKI HAS MEANT RESPECTIVELY (1) TO THE PEOPLES OF EASTERN EUROPE, AND (2) TO THE VARIOUS EAST BLOC GOVERNMENTS.

The CSCE process itself has not been the agent for any evolutionary change in Eastern Europe. It has always been, even in the years since the Helsinki Accords were signed, the various groups of individuals such as Solidarity members in Poland, Charter 77 members in Czechoslovakia, dissidents in the Baltic states, Hungary, Romania, Bulgaria, and East Germany which have been able to wrest temporary improvements from their governments. They have sometimes used the principles laid down in such documents as the Helsinki Accords and the United Nations Charter, but unfortunately these documents in the hands of representatives of Western Governments and even of Western non-governmental agencies have had little effect on the political realities in East-Central Europe. This fact has contributed to the new realization so commonly shared by Eastern Europeans who fight for human rights that they are largely acting alone, without substantial help from the West.

As we pointed out in our testimony, Western countries must use more than simple references to documents signed by the Soviets and their allies. We are not effective when it comes to "educating" the representatives of this Soviet totalitarian system. Our most important contribution comes in using our economic, diplomatic, and military leverage as well as our ability to inform both Eastern and Western public opinion which are subjects to the manipulations of Soviet propaganda.

We cannot subscribe to a differentiated approach toward East-Central Europe in CSCE. Human rights violations are just that: human rights violations, regardless where they are committed. Our response should be guided by the fact and nature of the violations and not by any other considerations.

The average East-Central European is not very well informed about the Helsinki Process. For him or her the perception is that Helsinki reaffirmed the geographical and political status quo in Europe. This perception is maintained by the propaganda efforts of the Warsaw Block governments. Those who are familiar with the details of the Accords had high hopes in the Helsinki Process, many of them working hard for the realization of its potential. As we already stated in our testimony, they and we failed, the Process is unable to live up to its potential, it has failed even in protecting them.

Disillusionment conquers hope. The Warsaw Block governments use the Final Act to claim legitimacy, to rebuke criticism, to provide government controlled, ideologically prefered cultural exchanges. Further, they exploit it by reminding their citizens of those provisions which fuel the perception of western consent to the physical and political division of Europe.

7. DUE TO ITS REGIONAL DOMINANCE AND THE EXTENT AND SERIOUSNESS OF THE HUMAN RIGHTS VIOLATIONS IT COMMITS, THE SOVIET UNION TENDS TO BE THE PRINCIPAL SUBJECT OF HUMAN RIGHTS CRITICISM BY THE WESTERN COUNTRIES AT CSCE MEETING. CAN YOU COMMENT AS TO WHETHER YOUR PARTICULAR CONCERNS ARE GIVEN ADEQUATE COVERAGE AT THE CSCE CONFERENCES OR DO YOU THINK DISPROPORTIONATE ATTENTION IS PAID THE SOVIET UNION?

It is certainly true that a disproportionate amount of attention is paid to the Soviet Union to the detriment of countries which on the questionable scale of relativity are deemed "better" than the Soviet Union. The most glaring example of such a mistaken emphasis was the treatment afforded Hungary at the Ottawa CSCE follow-up conference. While Soviet abuses were discussed at length, Hungary was not even mentioned. Even granting that Hungary is less blatant about the human rights of its citizens, a point that could actually be disproven in light of all the available facts, it is both tactically and morally indefensible for United States representatives to disregard any signatory which fails to meet its obligations under the Helsinki Accords.

In the past, Western delegations to the CSCE meetings by being silent or very lenient about the human rights violations of several East-Central European governments, implicitly absolved them of any accusations of non-compliance with Principle VII of the Final Act.

When the Helsinki Process, instead of promoting and reviewing the implementation of all human rights provisions of the Helsinki Final Act in all signatory countries, focuses attention on selected countries and selected violations only, it looses credibility, it produces disillusionment, it creates tensions and most importantly it becomes irrelevant.

The requirement for the reinvigoration of the Accords is that the implementation be equitable.

8. CSCE IS A UNIQUE INTERNATIONAL INSTRUMENT IN THE IMPORTANT ROLE IT GIVES TO PRIVATE, CITIZENS GROUPS. HOW WOULD YOU SAY THE RELATIONSHIP BETWEEN PRIVATE AND PUBLIC GROUPS IN THE CSCE COULD BE MADE MORE EFFECTIVE?

The United States government is to be commended for its enlightened policy that assigned a significant role to non-governmental organizations, private and public groups in the CSCE Process. The participation of these groups is essential to the continued public support for the Helsinki Process in the United States. The activities of NGOs supplementing the official, diplomatic efforts of our government were praised by Ambassadors Goldberg, Kampelman, Schifter, Stoessel and Novak. Members of the Helsinki Commission called these activities vital. State Department officials learned to appreciate the diligent, determined, principled and exacting efforts of NGOs. The relationship between the officials of our government and NGOs is productive and constructive. The many years of working together produced the respect for and understanding of the different views and approaches inevitably present in the relationship.

We would like to see this relationship grow into a partnership which would be characterized by shared responsibility not only in data acquisition, evaluation, mobilization of public support, creation of awerness, but in the formulation of policy and definition of tactics. The relationship - partnership - could be improved by not only seeking our recommendations but by acting on them, by providing opportunities for members of NGOs to assume temporary or permanent official roles in the agencies of our government involved in human rights policies (i.e., State Department, Helsinki Commission, Congressional Committees).

We observe with regret that our Allies do not share the policy of the United States to assign a meaningful role to NGOs. Our meeting with Ambassador Eikhoff of the German Federal Republic - arranged by the Commission - revealed his government's contemp towards real public participation in the Helsinki Process. As far as we can determine this contempt is shared by most if not all of our European Allies and the neutrals.

The Canadian government - as the result of the combined efforts of several cabinet members, their staff and our Canadian sister organization - is seriously considering the institutionalizing of human rights concerns, probably following the U.S. example of the Helsinki Commission. Such initiative would be welcomed by us.

Widening international public participation in the Process would increase the probability of survival for the Helsinki Process. The U.S. government and especially the Helsinki Commission can be instrumental to urge our Allies to promote public involvement in the conduct of their CSCE related activities.

9. HOW WOULD THE HUMAN RIGHTS SITUATION IN THE BALTIC STATES AND EAST EUROPE BE DIFFERENT TODAY IF THERE WAS NO CSCE PROCESS? IS THERE ANY POSSIBILITY THAT CSCE, IN FACT, MADE THE HUMAN RIGHTS SITUATION WORSE BY RAISING EXPECTATIONS ABOUT WHAT THE GOVERNMENTS OF THE EAST BLOCK WOULD TOLERATE FROM THEIR CITIZENS?

It is hard to tell, if the situation in Eastern Europe and the Baltic states would be appreciably different had the CSCE process not been instituted. As we pointed out, we do not believe that real political and social changes in Eastern Europe and the Baltic States have been influenced from the West since the Soviet Union conquered this part of the world. The CSCE process has not made the human rights situation in the area either better or worse. It has certainly not fueled any illusions among the inhabitants of the area, who have had to learn in the hardest ways that the world's democracies, though they may talk tough about infringements of basic human freedoms and rights, when it comes time to make some hard decisions, and especially when actions are required, are usually too indecisive, maybe even afraid to help.

The example of the Helsinki Monitoring Groups in Moscow, in Leningrad, in the Ukraine, the fate of Charter 77, the persecution of Lithuanian Catholics, the harassment of the dissidents in Hungary, the treatment of minorities and religious groups in Romania show that those who expose themselves as activists were eliminated, stigmatized and punished. Their disillusionment is rooted not in the action of their rulers but rather in the inaction of the western governments.

10. IN THE ABSENCE OF CSCE, WHAT ALTERNATIVES EXIST FOR PRESSURING EASTERN GOVERNMENTS TO IMPROVE THEIR HUMAN RIGHTS RECORDS AND BRINGING HUMAN RIGHTS ABUSES TO WORLD ATTENTION? ON WHAT CAN WE BASE OUR HUMAN RIGHTS INQUIRIES AND STATEMENTS OF CONCERN, EITHER BILATERALLY OR MULTILATERALLY, WITHOUT CSCE?

CSCE is only one and not necessarily the most effective of the alternatives for pressuring Eastern governments to improve their human rights records. Diplomatic exchanges (bilateral meetings, summit meetings, etc.) trade negotiations, security talks, cultural exchanges, monetary agreements, all of these provide platforms on which we can express our human rights inquiries and statements of concern and indicate linkage between the subject discussed and human rights behavior. If CSCE related activities become the sole platform for human rights concerns then the vital ingredient of enforcement of committments, linkage will never be effectively implemented.

The principles of human rights must be applied to all aspects of bilateral and multilateral negotiations with the Warsaw Pact countries if we are serious about enforcing compliance with the Helsinki Final Act.

11. WHAT DO YOU THINK THE UNITED STATES WOULD STAND TO LOSE IF IT WERE TO RENOUNCE THE HELSINKI FINAL ACT? WHAT DO YOU THINK HUMAN RIGHTS ACTIVISTS IN THE BALTIC STATES AND EASTERN EUROPE WOULD STAND TO LOSE IF THE UNITED STATES WERE TO RENOUNCE THE FINAL ACT?

The renouncement of the Helsinki Final Act will produce mixed results. The United States will lose prestige for its inability to realize the Helsinki Accords, for its failure to exploit the potential inherent in the Final Act, for its admission of inability to cope with Soviet intransigence. But the United States will gain credibility by facing the facts, telling the truth and accepting the consequences.

Human rights activists in the Baltic States and Eastern Europe would not lose much over and above what they have already lost: their freedom, their hope, their faith in the West, their trust in Western politicians to stand behind their words. They will realize what they already know: they lost a potential vehicle for the promotion of their basic human rights, a vehicle which lacks the engine (western determination) the wheels (linkage), the steering wheel (unified, purposeful western human rights policy) and which burns precious fuel (human rights activists) to provide the sensation of movement for the religiously faithful who hope against hope, who are frustrated but still dedicated. The question looms: Should we not repair the vehicle?

Rather than losing anything, the human rights activists in the Baltic States, Eastern Europe and the Soviet Union would be proven right in what they have been saying for many years: that their countries have not respected the Helsinki Final Act's human rights provisions.

12. DO YOU BELIEVE IN A DIFFERENTIATED APPROACH TOWARD THE STATES OF EASTERN EUROPE OR BALTIC STATES AND THE SOVIET UNION IN CSCE?

Our answer was provided in the response to question number 7.

13. HOW WOULD YOU COMPARE CSCE TO OTHER INTERNATIONAL INSTRUMENTS FOR PEACEFUL CHANGE, SUCH AS THE U.N. COVENANTS?

Among agreements, covenants with non compliance the Helsinki Final Act is probably the least ineffective. The U.N. Covenants and its related conferences are irrelevant, academic and exploited more by the Soviets than other international instruments.

14. HOW DO YOU VIEW THE USEFULNESS OF CSCE SUBSIDIARY MEETINGS SUCH AS THE CULTURAL FORUM OR THE HUMAN RIGHTS AND HUMAN CONTACTS EXPERTS MEETINGS?

The subsidiary meetings were mandated in Madrid by Soviet initiative and insistence. These meetings break the linkage between the three baskets of the Final Act. The subsidiary meetings exhaust Western governments, overwhelm the media, lull public attention and focus on western inability to bring the process to succeed. We recommend that in Vienna the West do not propose or agree to subsidiary meetings to be held between Review Conferences, instead suggest more frequently held, full fledged Review Conferences where all aspects of the Final Act can be discussed simultaneously in relation to each other thus reestablishing linkage between human rights, economic and security issues.

Hearing on Human Rights and the CSCE Process

Commission on Security and Cooperation in Europe

Part I: Eastern Europe

February 25, 1986

9:30 a.m.

SD-538

Questions for Witnesses

Eric Chenoweth, Committee in Support of Solidarity

COMMITTEE IN SUPPORT OF KOMITET POMOCY SOLIDARNOŚCI
181 HUDSON ST., SUITE 3A, NEW YORK, N.Y. 10013
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March 31, 1986

1. Would the Solidarity era have been possible without the Helsinki accords? After the imposition of martial law, when many called the continuation of the Helsinki process -- a child of detente -- into question, we found it extraordinary that a Helsinki Monitoring Group was re-established in Poland. Despite the risk of harsh penalties, the Polish Helsinki Group began to issue detailed reports on human, civil and trade union rights abuses in conjunction with the Madrid, Ottawa and Budapest Meetings of the CSCE. What does the existence of the reconstituted Helsinki Group in Poland say about the efficacy of the Helsinki process?

1) There are two parts to this question: a) were the Helsinki Accords in any way related to the rise of Solidarity in August 1980? and b) does the continuation of the Helsinki Committee in Poland following the imposition of martial law reflect a positive effect of the Helsinki Accords?

The first question is rather difficult historiography, and problematic at best. To trace the historical causes of the general strikes of August 1980 to the establishment of the Helsinki Accords -- or to the pursuit of a policy of detente or "differentiation" within the Eastern bloc -- would, of course, be tendentious. The workers' uprising of August 1980 was the culmination of social protests going back to Poznan in 1956, to the student protests of 1968, and the bloody strikes of 1970 on the Baltic Coasts; these protests against the repression of the post-war Polish regime took place completely outside the context of "Helsinki." These were internal developments within the communist system established in Poland. So, too, was the rise of the opposition movement in the 1970s, even though it is right to point out that some of the provisions in Helsinki were noted by members of the opposition and by the Helsinki Committee established in 1979. Nevertheless, the publication Robotnik, and the free trade union committees formed on the Baltic Coast in 1978, were reasserting demands already put forward in Szczecin in 1970. The demands for workers' rights were formulated on the basis of International Labor Organization Convention nos. 87 and 98, which guarantee freedom of association and the rights to form free trade unions and bargain collectively, items not specifically cited in the Helsinki Accords. Further the strategy of KSS-KOR to unite workers, students, and intellectuals in open activity for the purpose of demanding fundamental human rights arose in response to the Government's efforts to divide society; uniting society for the purpose of achieving democratic and national aspirations was an attempt to turn the authorities' strategy on its head.

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It is fair to state the existence of the Helsinki Accords provided an additional instrument with which the workers of the Lenin Shipyard and other enterprises could put forward their 21 demands. Nevertheless, if one reviews the process of negotiations that took place -- see for example the movie Workers '80 -- it is clear that the Gdansk Accords were negotiated and agreed to by the government as a result of internal pressure by social forces independent of the state. We would think it a mistake to put too much emphasis on such a strikingly new development in Eastern Europe to the existence of the Helsinki Accords, which are primarily means for government to government relations.

1b) The efficacy of the "Helsinki process" of course, should in our opinion not be related to the existence of Helsinki Committees or monitoring groups but to whether or not the provisions of the Helsinki Accords have been fulfilled by the signatories to the agreement. That Helsinki Committees and monitoring groups arose or continue to exist is testimony to the dedication of individuals in the countries of Eastern Europe to the ideals of Helsinki, ideals which are related not to a particular agreement but to the belief that all persons have inalienable human rights. The human rights movement in the Soviet Union arose before Helsinki, with the courageous efforts of Sakharov and others; Helsinki provided an instrument for the pursuit of human rights; the pursuit of human rights is not an instrument of the Helsinki process, it is a moral requisite. Further, it should be noted that the Helsinki Committee in Poland has directed much of its documentation and work to the U.N. Commission on Human Rights and the I.L.O., bodies which, although they have no formal enforcement mechanism, do provide means for investigation, determination, and rebuke. These are really not available to the Helsinki process. Nevertheless -- the same nevertheless as above -- the Helsinki Accords have been looked to as an instrument for the pursuit of human rights and the Helsinki forums as an important arena to bring the Polish government to account for their violations of these rights. But this is only one instrument among several (e.g. the U.N. Covenants, I.L.O. Conventions, and the respective international bodies that oversee these international agreements). I would refer here also to the testimony submitted by the Committee, which discusses the question of the usefulness of Helsinki at greater length.

2. Do you believe that the achievement of a final document is important for CSCE meetings? Any kind of document, even one that stands little chance of actually being implemented?

2) No final document, nor the Helsinki Final Act itself, will be honored by the Soviet Union or the countries of the Soviet bloc. The policy question at issue is what is to be gained from a concluding document and what is to be traded in exchange for it. The Madrid Concluding Document included important questions relating to religious freedom and freedom of association; in exchange, briefly, the "West" agreed to the Soviet demand for a separate conference in Stokholm relating to questions of "security." Again, the Committee's testimony makes clear its position: that no agreements on questions relating to "security and cooperation" be made without the fulfillment by the Soviet Union and Eastern bloc countries to the provisions guaranteeing human rights.

3. It has often been said that the Helsinki process is not as effective in fostering improvements in the Soviet Union as it is in Eastern Europe and that Helsinki provides greater latitude for individual East European countries to engage the West independently of the Soviet Union. Do you agree that CSCE has furthered evolutionary change in Eastern Europe. Do you support a differentiated approach toward Eastern Europe and the USSR in CSCE? Also, I would like to hear your views as to what Helsinki has meant respectively (1) to the peoples of Eastern Europe, and (2) to the various East Bloc governments.

3) The question asked here is also difficult historiography and the answer would be similar to the one above: Helsinki itself did not provide the historical impetus for any developments within Eastern Europe and these developments are rather the result of the imposition of unwanted and alien regimes and of the internal dynamics within the particular countries of Eastern Europe and between those countries and the Soviet Union. In short, the answer is no, Helsinki itself did not promote that evolutionary change, if such has occurred.

Secondly, the question regarding a "differentiated" policy within CSCE should not be separated from overall U.S. policy. Helsinki, it would seem to us, exists within the framework of U.S. policy, not outside it. The "differentiation" policy, it has been argued, does promote evolutionary change within the bloc. This argument is problematic. Foremost, it must be kept in mind that the policy of differentiation is one that hoped to effect government policy; that is, it hoped to encourage change in Eastern Europe from the top down, not the other way around. It is clear now that real change, genuine change can only be achieved from the bottom up, that is not by governmental fiat but by social pressure organized for specific purposes. Further, the policy itself arose because there appeared to be developments, primarily in Hungary, Poland, and Roumania, that seemed to indicate either independence in economic policy or in foreign policy, in the case of Roumania. The policy thus did not cause anything but responded to what appeared to be promising developments, and hoped to encourage such development. Those developments are hardly promising today. In the case of Poland no amount of differentiation in policy that did occur seemed to effect the decision of the Jaruzelski regime to impose martial law as a means of crushing internal forces for change. Indeed when real change did occur, from the bottom, it was the policy of the U.S. government not to encourage such change. In Hungary, economic policies that appeared to be separating Hungary from the bloc did not do so, and these policies are limited without political change, as many Hungarian dissidents are now arguing. The Hungarian model is no longer. In Roumania, the degree to which the Ceaucescu government differed from the Soviet Union in foreign policy would appear to be diminishing, if it was that important at all. (Even so, granting M.F.N. to Romania is a morally repugnant policy, and, it should be noted separates Helsinki and human rights from foreign policy.)

3) continued

Thirdly, concerning what Helsinki has meant to the peoples of Eastern Europe, and to the governments of Eastern Europe, we believe such questions should not be separated from the question of whether or not the Helsinki Accords were fulfilled by their signatories. The Accords did give a certain hope to those struggling in Eastern Europe for human rights, and an instrument for pursuing those rights. But, for the most part, those who undertook the monitoring of the Accords were brutally repressed; only in Poland, and to a lesser degree, in Czechoslovakia, are there groups able to continue, despite government repression, their work. The hopes that Helsinki could provide substantive means to achieve human rights are dashed. And overall U.S. policy did not stand by those committed to human rights in a consistent fashion. As for the governments of Eastern Europe, their suppression of human rights intensified after the signing of the Helsinki Accords. The Accords thus obviously did not mean anything substantive to the Soviet Union or the Soviet bloc governments -- except to formalize in the Soviet Union's view the "post-war reality," as it is called.

4. Due to its regional dominance and the extent and seriousness of the human rights violations it commits, the Soviet Union tends to be the principal subject of human rights criticism by the Western countries at CSCE meeting. Can you comment as to whether your particular concerns are given adequate coverage at the CSCE conferences or do you think disproportionate attention is paid the Soviet Union?

4) Given the degree of repression in the Soviet Union, and given the nature of the Soviet Union's dominance of Eastern Europe, one would be hard put to argue that too much attention is given the Soviet Union's violation of human rights. No amount of attention is enough, although the attention given almost always focuses on individual cases and not systematic deprivation of human rights (see also the Committee's testimony on this point). There can not be a determination of "proportionality" of coverage in this regard. One can only hope that proper attention is given to all the signatories, and to the Soviet's role in propagating repression throughout the bloc. This is not always done.

5. Do you know of any member of the Solidarity movement who wants the West to renounce the CSCE process?

5) The Solidarity movement encompasses most of Polish society. There are ten million Solidarity members. Among them, there are certainly many who would argue in favor of renouncing the Helsinki Accords, and of criticizing the efficacy of the CSCE process. Others do not. Here, we would refer to the Committee's testimony and the attachment of the Helsinki Committee in Poland's statement on the ten year anniversary of the signing of Helsinki.

6. Is there a point at which, as a result of Eastern unwillingness to comply with the human rights and humanitarian provisions of the Helsinki Final Act, the Helsinki process is not worth our participation any more? If so, what is that point? Do you view the Vienna Review Conference as a watershed?

6) Again, we would refer to the Committee's testimony. Let us add that on one level, U.S. participation in the Helsinki process provides legitimacy to the Soviet claim that Helsinki formalizes the "status quo" of the "post-war reality." On another level, the Helsinki Accords, if taken seriously by the West, promote change: for the achievement of genuine change is required for the fulfillment of human rights provisions in the Accords. This point needs to be recognized and stated publicly. But at the point when the Helsinki process can no longer be seen as an instrument for those struggling in Eastern Europe is the point where Western participation no longer fulfills the purpose of the Helsinki Accords.

7. What do you think the United States would stand to lose if it were to renounce the Helsinki Final Act? What do you think human rights activists in the Baltic states and Eastern Europe would stand to lose if the United States were to renounce the Final Act?

7) Again, our testimony answers this question. Specifically, it would appear that the U.S. has nothing to lose by renouncing the Helsinki Final Act: the question is whether the Soviet Union gains something by such renunciation. U.S. participation should be measured by the effect it can still have on those struggling for human rights in Eastern Europe, and so long as they see Helsinki as an instrument, the U.S. should enhance that instrument, and thus prevent the Soviet Union from gaining substantive advantage through the Helsinki process.

8. CSCE is a unique international instrument in the important role it gives to private, citizens groups. How would you say the relationship between private and public groups in the CSCE could be made more effective?

8) Here, it is the responsibility of private, non-governmental organizations to make their role as effective as possible. However, it is clear that U.S. delegations could be selected to include representatives of non-governmental organizations and that, if there were more staff, more could be gained by the Helsinki Commission from the materials put together by non-governmental organizations. Further, the Helsinki Commission should, in my opinion, utilize to a greater degree provisions in international human rights agreements that strengthen demands for human rights compliance, and to do so especially through standards of measuring legislation, legislative practice, and the use of repressive legislation.

9. In the absence of CSCE, what alternatives exist for pressuring Eastern governments to improve their human rights records and bringing human rights abuses to world attention? On what can we base our human rights inquiries and statements of concern, either bilaterally or multilaterally, without CSCE?

9) The U.N. Commission on Human Rights, the International Labor Organization, and other international bodies provide substantive forums for bringing complaints against governments for non-compliance with international agreements. The question is whether or not the Helsinki process provides substantive suplemental forums; this depends on the use of the Helsinki process by the U.S. government. One should add, however, that Helsinki has often been used to overlook these other avenues to bring complaints of non-compliance. Indeed, in the case of Poland, for two years the U.N. Commission provided a more substantive forum for pressing human rights concerns; unfortunately this was not seen to be the case by many Western countries and there was no effective effort by the U.S. delegation to continue the complaint against Poland. The I.L.O., particularly its Commission of Inquiry and the Freedom of Association Committee, has responded most seriously to the violations of Poland to international agreements. Finally, the U.S. government should act with greater consistency to deny economic privileges to the East bloc: this is the only policy that can have real and, hopefully, lasting effect.

10. Do you believe in a differentiated approach toward the states of Eastern Europe and the Soviet Union in CSCE?

10) See answer to question 3).

11. How would you compare CSCE to other international instruments for peaceful change, such as the U.N. Covenants?

11) See answer to question 9).

12. How do you view the usefulness of CSCE subsidiary meetings such as the Cultural Forum or the Human Rights and Human Contacts Experts Meetings?

12) The subsidiary CSCE meetings obviously did not improve compliance; but especially in the case of the human rights review conference, it provided a forum for specifically addressing human rights violations. However, these meetings also separated the various parts of Helsinki; Stokholm was also a subsidiary meeting and the Soviet Union has sought to gain advantage through this forum while minimizing the effect of other forums. The strength of the Helsinki Accords is that it clearly links security and cooperation to the fulfillment of guarantees for human rights and humanitarian issues. The subsidiary conferences, therefore, on one level separated this link.

Sincerely,

Eric Chenoweth
Executive Director

APPENDIX 5

APPEAL TO MIKHAIL GORBACHOV, Gen.Secr.,Moscow, USSR
REQUEST EMIGRATION FOR IGOR OGURTSOV

IGOR V. OGURTSOV

Igor Vyacheslavovich OGURTSOV

born August 22, 1937 in Stalingrad(now Volgograd) moved to Leningrad at an early age.

Parents: father - a naval architect, was a major in the Navy during the World War II.
mother - a pianist

education: graduated from the Univ. of Leningrad
majored in: Far and Near Eastern Studies
sports: an athlete, an excellent swimmer & fencer

interests: philosophy, political science history, economics

arts: studied architecture, art and music a pianist, sometimes composed music

languages: speaks several languages

marital status: single **Religion:** Christian

social activities: founder of the Berdyaev Group in Leningrad; also called VSKhSON - All-Russia (i.e. National) **Social-Christian Union** for the liberation of the people. Existed from 1964-1967.

arrested: February 15, 1967

tried and accused of: "treason" & "anti-soviet" activities

sentenced to: TWENTY years

membership of VSKhSON at the time of arrest: 30 members , 30 candidates and some 30 to become candidates

activities of VSKhSON prior to arrest of 21 members: gathering, studying and disseminating of religio-philosophical literature; recruiting new members.

background of VSKhSON members: representatives of humanities and technical intelligentsia of Leningrad, Moscow and other cities of the Soviet Union. Quite a number of them were students & professors of the University of Leningrad.

Ogurtsov - is the only remaining VSKhSON member, still imprisoned. Classified II degree invalid, he suffers from anemia, ear infection, complete exhaustion, chronic avitaminosis, decalcification of bones, hypertension, liver malfunction

U.S.Senate action: **S.Res.[illegible]** unanimously adopted on June 27, 1984. It deals with Igor Ogurtsov's plight and his right to emigrate together with his parents. It also calls upon our Government and the President to intervene with the Soviet leadership on Ogurtsovs' behalf.
An identical Resolution has been unanimously adopted by the U.S. House of Representatives on Dec.16, 1985 (H.Res.76)

IN THE NAME OF HUMANITY, and **IN THE NAME OF GOD**

Write to the Soviet leaders in Moscow, USSR, and request release from exile and emigration of Igor Ogurtsov together with his parents.

Printed by:

Human Rights Committee - Congress of Russian Americans
[illegible] So. Wagner Rd., Ann Arbor, MI [illegible]
(address all inquiries to the above)
Otrada, Inc. - The Society of Russian Americans
309 South Pascack Road, Spring Valley, New York 10977

The Committee for the Defense of Persecuted Orthodox Christians
P.O. Box [illegible], Washington, D.C. 20016

SAVE IGOR OGURTSOV, RUSSIAN CHRISTIAN DISSIDENT! IN SOVIET PRISON SINCE 1967!

OGURTSOV'S "CRIME"- Founding of VSKhSON, a Social Christian movement, whose lofty aims were the pursuit of basic human rights and restoration of Christian ethical principles and their incorporation into politics, economics and culture of Soviet Russia. The group's practical activity during its 3 years of existence (1964-1967) consisted almost entirely in the recruitment of new members and the duplication and distribution of religious philosophical literature.

OGURTSOV'S CHARGE - "Treason"
OGURTSOV'S SENTENCE - 20 Years Imprisonment

AFTER YEARS OF PHYSICAL AND EMOTIONAL ABUSE, I. OGURTSOV DESPERATELY NEEDS OUR HELP !

After seven years in prison and eight years in strict regime concentration camps, Igor Ogurtsov is serving his last five years of exile. His address there is: USSR, KOMI-ASSR, Ust-Vymski rayon, [illegible] pos. Mikun, [illegible]

Ogurtsov's parents: Evghenia N. Derevenskova (mother)
Viacheslav V. Ogurtsov (father)
USSR, 198035 Leningrad
ul. Dvinskaya, d.11, kv.28

"*Igor Ogurtsov has become a symbol throughout the world of struggle for human rights against arbitrariness and illegality.*"

Academician A.D. Sakharov
in an open letter to Brezhnev (10/24/74).

"*During these current months Igor Ogurtsov, a prominent son of the Russian People who sought the development of Russia by Christian means is irreversibly approaching death. He has already served more than 12 years of uninterrupted severe imprisonment under a merciless regime – and still 8 more years loom before him, a term he will not be able to survive.*"

Alexander Solzhenitsyn
Statement for delivery at the Coalition for a Democratic Majority Friends of Freedom Dinner (6/12/79).

"*Human Rights are threatened more and more not only by newest concepts of collectivized freedoms which annihilate the very meaning of individuality, but also by doubtful and ever growing indifference of democracies to their own intrinsic values. Igor Ogurtsov reminds us of them, is suffering for them – for all of us. He is the affirmation of this spirit. We cannot let him die.*"

Pierre Emmanuel
French Philosopher and Writer

"*Our son is dying. He has reached the limit of human strength and will certainly not withstand the remaining 8 years, if he is not helped immediately. If help and medical treatment will not come in time, we will loose our only son.*"

E.M. Derevenskova
(Ogurtsov's Mother)
Her appeal through Samizdat to the International Association of Physicians.

MURDERERS IN WHITE SMOCKS

Valery Vasilievich TYURICHEV has been in special psychiatric hospitals since late 1981. He is now in one in Dnepropetrovsk. He is kept bound, in an iron cage, and in forced to take haloperidol, aminazin and sulphur in doses capable not only of destroying the personality of a human being, but of killing him.

Tyurichev was born in 1947 and has a higher education in commerce. He has a family, a wife and child of 11 (address: Dnepropetrovsk, ul. Smolenskaya 92). In 1980, he wrote the highest officials in the USSR government about his disagreement with government policy, for which he was deprived of work. His wife was also dismissed from her job.

In 1980, Tyurichev and his wife demonstrated in Red Square in Moscow. They carried a sign demanding permission to go abroad and to renounce their Soviet citizenship. They were allowed to pay the fee for the renouncement of their citizenship and were assured that permission to leave would be granted.

In March 1981, Tyurichev was arrested by KGB agents in Dnepropetrovsk. He was charged with anti-Soviet agitation and propaganda (Article 61 of the UkSSR Criminal Code).

After a six-month investigation by KGB agencies in Dnepropetrovsk Oblast, the court sent Tyurichev to a special psychiatric hospital for forcible "treatment." Neither his parents, his wife, nor his lawyer were permitted in the courtroom.

After nine months of "treatment" at the Dnepropetrovsk special psychiatric hospital, Tyurichev was moved to the special psychiatric hospital in Smolensk (where this institution of torture is called an "institute"). In Smolensk, he was forcibly injected with increased doses of insulin, aminazin and streptozin. Tyurichev went on a protest hunger strike. In January 1984, he was sent to an ordinary psychiatric hospital in Dnepropetrovsk, where he was required to sign a written statement that he had suffered mental illness in the past, including auditory and visual hallucinations. When he refused, he was again brought into court, which sent him to a special psychiatric facility in Dnepropetrovsk.

Tyurichev's mother and father sent a letter to the International Human Rights Commission, the Association of World Psychiatrists and the International Red Cross which in part states: *"People fighting for life and peace on earth must know that confinement in psychiatric institutions and forcible treatment for one's convictions are crimes against humanity! What is the difference how a person is killed or crippled -- by missile, machinegun or medicine?! It is all the same."*

Translated and reprinted from Possev, issue No. 6, June 1985. Courtesy of POSSEV Publishing House, Frankfurt/Main, Germany. Translated by James W. Riester.

THE SAMIZDAT BULLETIN No. 151, November 1985

IN DEFENSE OF ALEXEI SMIRNOV

Open Letter

Alexei SMIRNOV was arrested on September 10, 1982, tried on May 12-13, 1983, and sentenced to six years in the camps and four years in exile. Alyosha [diminutive for Alexei] has been imprisoned for more than two years now, since July of 1983. He had been denied general and personal meetings, and letters from him arrived once every two months, which probably meant that he was held in the PKT [Pomeshcheniyé Kamernogo Typa = cell-type quarters = punishment cell] for about a year. Finally, in January 1985, he wrote a letter saying that he would now be writing twice a month. Apparently, he has finally been released from the PKT. A couple of days after Alyosha's letter, his parents received a report from the camp administration that, as matters stood on January 1985, he would be eligible for a brief meeting in July 1985, and a long meeting in March 1986. So it is possible that (if the camp administration hasn't thought up something new by then) Alexei's parents will get to visit him for two hours after a separation of two years.

The practice of cancelling visits unties the hands of the camp wardens: no one sees the prisoner outside the camp for long periods of time, no one knows what he looks like or how he feels. During this time, he can be subjected to repeated beatings, persecution, taunting, and so on. If one takes into consideration the fact that it is practically impossible to find a lawyer who would be willing to travel from Moscow to the Perm or Mordovian camps or to Chistopol Prison, then it is obvious that this situation is conducive toward creating circumstances for totally uncontrolled arbitrariness by camp and prison administrators. Evidently, the Moscow Board of Advocates tacitly prohibits lawyers from taking upon themselves the role of supervisors in labor camps, i.e. supervising the treatment of political prisoners, and lawyers give various excuses for declining: too busy, too far, not interested in this type of work. In actual fact, the lawyer milieu is ruled by fear of disbarment on one pretext or another, i.e. dismissal from the Board of Advocates. It is this fear that leads to violations of elementary legal ethics when lawyers sacrifice their duty to defend prisoners for the sake of protecting their jobs.

The lawyer refuses to take on supervisory duties, and the political prisoner finds that he must stand alone against the camp and prison administration, which is confident that it can do whatever it pleases with impunity. The administration has every means at its disposal to facilitate "re-education": the punishment cell in which healthy people become sick and the sick become cripples, the punishment cell where beatings, daily taunting, and the rudeness and insolence of the guards and the administration are normal practice. Petitions to the Prosecutor's Office most often fail to reach the addressee, and if they do, these petitions receive stereotypical responses such as: *"the complaints are groundless."* As are all other legal matters, the monitoring conditions for prisoners in this country are monstrously distorted: neither the prosecutor's, nor the lawyer's office performs the functions established for them by law. Moreover, both the Prosecutor's Office (most directly) and the Advocate's Office (indirectly, by evading its direct obligations) contribute towards lawlessness in this country. Those under investigation in the isolated interrogation cells and inmates of camps and prisons feel they are totally defenseless before the investigative agencies and the administration in "correctional establishments." While still in Lefortovo Prison, Alexei Smirnov had to endure a "press cell" in which he was abused and threatened by his cellmates. The pressuring was being done with the knowledge of the investigator, one KAPAYEV, or more accurately, organized by him especially to obtain from Alyosha depositions needed by the investigation. Alexei wrote to the USSR Prosecutor General about these press-cells in the KGB's SHIZO [Shtrafnoy Izoliator = Penal Isolation Cell], stating: *"This form of torture is so unbearable that I told the SHIZO chief that he must consider the possibility that I will commit suicide unless they move me to a cell with normal conditions. I suffered from insomnia; I was tormented by nervous spasms, a tic, eczema, and other discomforts. I requested a transfer to the punishment cell, but the only answer was taunting by the investigator or a threat by the isolation wing chief to handcuff me."*

Captain MELEKHIN (the investigator handling my case) made me sign a written promise not to attempt to leave the USSR and said that I couldn't complain that there was any pressure on me during the investigation. [Lina Tumanova was arrested on July 4, 1984, and held in Lefortovo Prison. She was accused of violating Article 70 of the RSFSR Criminal Code. She was released on September 19, 1984, after promising in writing not to leave the country.] I replied that I really couldn't complain, but I knew of disgraceful cases, such as that of Alexei Smirnov. To this Melekhin replied thus: *"Alexei Olegovich acted so offensively that Kapayev* [Vyacheslav Nikolayevich Kapayev, Captain KGB, senior investigator for the City of Moscow and Moscow Oblast] *had no other way of maintaining his dignity and self-respect."* Kapayev had been maintaining his self-respect in this unique way for about two months, with Alexei suffering beyond endurance, considering suicide, but holding on, i.e. not giving the investigation evidence against himself or others, denying any guilt of slandering "the Soviet state and social order."

Alyosha maintained that he was being incriminated for openly expressing his views.

And what did the people summoned as witnesses in the Smirnov case actually say? They testified that Alexei had *"expressed dissatisfaction with the situation in the country, basically... it concerned the USSR economy"* (witness BASILEVICH), *"declared our society to be undemocratic, that we have no freedom of speech, no freedom of the press, no freedom to travel abroad"* (witness BUKHLEV). The essence of Alexei Smirnov's activity, *"as he expressed it, reduced essentially to achieving changes in our country along the lines of instituting more democratic freedoms"* -- freedom of speech, freedom to travel abroad, freedom of information (statement by WEINSTEIN of May 26, 1981 at the KGB USSR, which also figured in the Smirnov case).

It is hard even to imagine that a person in today's western world would have criminal charges brought against him and be sentenced to 10 years in isolation for expressing dissatisfaction with the system existing in his country or for demanding more democratic freedoms. So insolent a flouting of the rights of a people freely and independently to evaluate the society in which they live and the authorities governing the country, is possible only in a fascist state, because, as we are well aware, fascist rulers are not elected, but their power is thrust on the populace by force, through terror and repression.

In the USSR, a person who consistently keeps the authorities on edge by his critical attitude towards the existing society, is normally charged with the intention to undermine and weaken that society (Article 70 of the RSFSR Criminal Code, the article which was applied to Alyosha). Alyosha denied the fairness of this charge.

From my point of view, the very accusation of such intent, i.e. the "intent to engage in agitation and propaganda," is illegal. This is a natural feeling and no one can be tried for it: my efforts to undermine and weaken a society which I consider inhumane and detrimental to the people, and the intention to change the situation by agitation and propaganda, is my legal right -- the right of a citizen and a human being. In fact, if I consider this society to be evil, I must try to destroy that evil. Only specific, clearly designated means of subversion such as terrorism, are within the jurisdiction of the courts. Democracy also presupposes that there exist legal and legitimate means of weakening and undermining an unjust society: open expression (oral and written), free discussion, meetings, demonstrations, strikes. The people must have the right freely to choose their society and government. To do so, they must have access to complete information and an opportunity to hear all opinions and to participate in their discussion.

The Soviet authorities are afraid of Smirnov and others like him. They are deathly afraid of their own people, afraid that their own crimes will be unmasked and publicized. The Soviet authorities know that they do not reflect the interests of the people, that, essentially, they do not serve the people and, therefore, they tremble before the truth. These authorities are not inhibited about putting people in camps and exiling them for actions which would be considered normal and natural in any civilized society, but would be "embarrassed" if their actions should receive publicity. They arrest and search people, bring them to trial and sentence them to imprisonment under articles which violate elementary human rights. But they would like these searches, arrests and sentences to remain secret, they will not tolerate any discussion in this regard and want them buried in KGB archives.

These authorities are not afraid of committing crimes, but they are afraid that their crimes could become known. The consciousness of these authorities, of their spiritual level, is tantamount to the spiritual level of a band of criminals, not of a state administration. The concept of rights is completely foreign to these authorities, so it is impossible to appeal to the legal consciousness of the investigator, the judge or the prosecutor: the investigator lies about the investigation, the judge lies and falsifies the facts in the case, the prosecutor closes his eyes to violations of the law and lies when he says that all is in accordance with the law. Moreover, these authorities falsify the law itself, by including Articles 70 and 190 in the RSFSR Criminal Code.

L. Tumanova

January 25, 1985

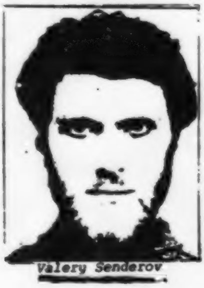
Translated and reprinted from Arkhiv Samizdata AS-5420. Courtesy of Radio Liberty, Munich, West Germany.

THE SAMIZDAT BULLETIN No. 151, November 1985

MARTYR FOR THE FAITH

Human rights activist and Orthodox Christian VALERY SENDEROV was arrested on 17 June 1982 and sentenced to 7 years' labor camp and 5 years' internal exile. He spent the first years of his incarceration in Perm Camp No. VS 389-35; however, on 22 March 1985, for "violation of the camp regime," Senderov was transferred to Chistopol Prison.

Today we are publishing the letter written by Senderov's close friend -- his god-daughter Tatiana Pletneva. It was received in the West recently through samizdat channels.



Valery Senderov

It is almost three years that my godfather, Valery Anatolievich SENDEROV, has been incarcerated (he was arrested on 17 June, 1982, and sentenced to 7 years' strict regime camp plus 5 years' internal exile under Article 70-1 of the RSFSR Criminal Code).

During all this time he has been allowed only one visit with his mother. There has been no mail from him for 18 months and there is reason to believe that he has spent almost all this time in a PKT [Pomeshcheniye Kamernogo Typa = cell-type quarters = punishment cell].

The camp authorities have stated that he will not be allowed any visits in 1985, because Valery Senderov is the only prisoner in VS-389/35 who *"daily and continually infringes camp discipline."* And what are these infringements?

Immediately upon arrival in camp VS-389/35 (in June 1983), Senderov's Bible was confiscated; according to the deputy camp commandant BUKINA, *"a Bible is a religious cult object and reading the Bible is a harmful pastime which impedes the rehabilitation and re-education of a prisoner."*

Valery Senderov has refused to work until his Bible is returned, and this was the reason why he was subjected to extremely severe punishments. The "*daily infringment of camp discipline*" occurred because Valery felt that the daily reading of the Bible was essential to him and he demanded its return every day of his incarceration.

In April 1985 we learned that Senderov was transferred to the notorious Chistopol Prison for an indefinite period of time. As expected, his Bible was not returned to him.

"*...For 60 years the authorities have been persecuting the Faith in our country...*," wrote Senderov in an open statement prior to his arrest. The court considered that statement to be slanderous and Senderov was charged with "*anti-Soviet propaganda.*" Without any hesitation we can say that today he is a martyr for the Faith.

I call upon all those who cherish the name of Christ to support Valery Senderov by prayer and action.

Tatiana Pletneva

Moscow, April 1985

Translated and reprinted from RUSSKAYA MYSL' [LA PENSÉE RUSSE], Paris, France, issue of 13 September, 1985. Courtesy of the editor.

APPENDIX 6

PREPARED STATEMENT

of

MORRIS B. ABRAM, CHAIRMAN
NATIONAL CONFERENCE ON SOVIET JEWRY

and

JERRY GOODMAN, EXECUTIVE DIRECTOR
NATIONAL CONFERENCE ON SOVIET JEWRY

before the

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

WASHINGTON, D.C.

THURSDAY, FEBRUARY 27, 1986

Mr. Chairman and Members of the Commission:

On behalf of the National Conference on Soviet Jewry (NCSJ), we welcome this opportunity to appear today and present some views concerning matters pending before these Committees. With me is Billy Keyserling, the Director, and Mark Levin, the Associate Director of our Washington Office.

For those who are not familiar with the NCSJ, as the chosen instrument of the organized Jewish community, our membership consists of 42 national organizations, and nearly 300 local community councils, federations and committees. This represents the largest network in the world, and through it we are able to reach every corner of organized Jewish life in the United States. For the record, I enclose a list.

Our concern for human rights reflects the historic Jewish concern for people whose rights have been trampled. We have learned from history that when the rights of a minority, such as those of the more than 2,000,000 Jews in the USSR, are threatened, all people are threatened. By securing those rights we are, in fact, helping secure rights for all people.

The National Conference on Soviet Jewry, as the major, single-purpose agency in this country, representing the bulk of the Jewish community's work for the Jewish minority in the Soviet Union, supports efforts to achieve a meaningful detent. In our view, the hopes of all people will have a better opportunity to achieve security and self-expression in an atmosphere of diminished tensions. Solid bilateral relations between this nation and the Soviet Union, however, demand reciprocal obligations. It is not a one-way street.

In the matter of discrimination, the suppression of Jewish religion and culture, as well as repatriation to Israel and emigration from the Soviet Union, issues of critical concern, we continue to actively pursue a goal of change. We believe this goal is consistent with basic U.S. foreign policy objectives.

As we meet today, we look forward with hope to a second meeting at the summit between President Ronald Reagan and Soviet leader Mikhail Gorbachev. We are painfully aware, however, that in the year since Mr. Gorbachev became General Secretary of the Soviet Communist Party, there has been no significant improvement in the position of Soviet Jewry. In some respects, the situation has deteriorated even further. The hopes inspired by the signing of the Helsinki Final Act in 1975 have thus been further dimmed, even as we enter the second decade of its signing.

BACKGROUND

The Jews of the Soviet Union form one of the three largest surviving Jewish communities in the world. Despite living for centuries under the Tsars and Commissars as productive and loyal citizens, they have experienced a long history of endemic anti-Semitism and official persecution.

Recent years have witnessed a renaissance among Russian Jews. Those born after the Bolshevik Revolution of 1917, who have not been allowed contact with their heritage, are fighting for the right to remain Jews. They must struggle to exercise their fundamental human rights: the right to their own culture, the right to practice their own religion and the right to live in the land of their choice.

Few Jews regretted the toppling of the Tsarist Government in 1917. Following the post-Revolution Provisional Government, led by Alexander Kerensky, the hopes of Soviet Jews were raised with expectations of a better life. On April 2, 1917, the new government abolished previous restrictions on national and religious groups, including those against the Jews. Jewish optimism soon died, however, when the Bolshevik government imposed policies restricting religious freedom. However, the subsequent Bolshevik coup precipitated a Civil War from 1918-1921, in which over 200,000 Jews were murdered in pogroms. Ironically, anti-Semitism was and remains a barrier to Jewish assimilation into Russian culture.

Jews faced many problems in adjusting to the new Soviet state. Confined in the past to commercial occupations, such as shop-owners, tradesmen and artisans, they were badly suited to the industrial and agricultural goals of the new regime. Stripped of their means to make a living, and classified as "bourgeois," they often found it difficult to obtain housing, food and jobs.

The Soviet Government, attempting to deal with the problem of minority nationalities in their territory, established a Jewish section in the Commissariat for Nationalities, and later created an "Autonomous Jewish Region" in Birobidzhan, in far eastern Siberia. Many Jews were resettled on the land in the Crimea, the Ukraine and in Birobidzhan. Eventually this policy failed, particularly because the government found it politically expedient to again tighten restrictions on Jews. The 1920's and 30's saw a savage campaign against all religious groups. Traditional Jewish institutions and means of education were closed, and the last Yiddish newspaper was suppressed in 1938. The 1936-1938 purge of the Old Bolsheviks included many Jewish revolutionary leaders, as well as leaders of Birobidzhan as a particular part of Stalin's anti-nationalist policy.

The Soviet constitution and national law guarantees cultural freedom for all nationalities within the Soviet Union. The smallest nationality groups are given the opportunity to pursue a cultural, social and political life of their own -- except Jews. They are constantly and institutionally being denied their basic rights: the right to self-determination and the right to live according to their culture.

While Judaism is viewed as a religion in the USSR, Jews are also considered a nationality. Therefore, any assault the Soviet authorities make against religion will include Jews. Jews are thus the only group affected as a nationality by pressure against religious institutions. Jews, because of their history, culture and ethnic ties with Jewish communities outside the Soviet Union, may also be regarded with distrust.

Despite State guarantees of religious freedom, the Soviet Union, in accordance with Communist ideology, places heavy restrictions on all religions while encouraging the teaching of atheism. Synagogues and churches are required to register with the government, giving it the right to regulate their very existence. It is illegal to teach religion to minors, though the distribution of atheistic propaganda is legal. Publication of religious materials, including prayer books and Bibles, is restricted. Amid general religious oppression, the Jews have been singled out for special treatment. The Russian and Greek Orthodox Churches, Islam and Buddhism have central coordinating bodies, albeit co-opted. Judaism has none. No communication is permitted among synagogues. No printing of the Hebrew Bible nor any edition of the Siddur, with the single exception of a 300-copy printing in 1956, has been authorized since 1917. In recent years, no Jewish religious publication has been allowed, although religious items are available, even in limited quantities to other religions, particularly the Russian Orthodox Church.

There are less than 60 known functioning synagogues for an estimated two to two and a half million Jews in the USSR, while there is a church for every 1,880 Russian Orthodox adherents. The teaching of Hebrew, though theoretically legal, is prohibited as is the teaching of religious texts. Hebrew books printed outside the USSR are continually confiscated, and Hebrew teachers are systematically harassed and frequently arrested.

Jews also suffer discrimination as a cultural group. Even Yiddish, the officially recognized language of Jews in the USSR, is not taught and only a handful of Yiddish books and one periodical is available. In addition, the establishment of Jewish cultural institutions is prohibited. Smaller minorities, however, like the Chechans, Ossetians and Komis, are allowed newspapers and literature in their own language, as well as schools where their language is taught.

In the Soviet Union, individual persecution and discrimination of Jews also occur. Until the 1960's Jews in the USSR were disproportionately represented in institutions of higher learning. With increased anti-Semitism, however, fewer Jews were admitted to the prestigious universities and technological institutions.

The combination of these factors presents an inescapable situation. Jews are discriminated against with no legal recourse and little freedom. Should Jews try to make the label which stigmatizes them a positive identification, persecution is intensified. The only way to remain a free Jew is to leave the Soviet Union. The restrictions are tight and most exit visas are denied. Thus, Jews who are forced to remain must struggle to keep Judaism alive and to transmit it to their children.

Though the penalties are severe, informal classes in Hebrew and Judaica are held in cities throughout the USSR. Several Jewish pre-school programs operate.

Many Soviet Jews active in promoting Jewish culture have been arrested and sent to prisons, forced labor camps or internal exile. These people are known in the West as Prisoners of Conscience. Their ranks include Iosif Begun and others. They suffer physically and psychologically and are allowed little contact or communication with the outside world and their families. However, despite the severe conditions, Prisoners of Conscience often display extraordinary spiritual resistance. For example, prisoners in the Perm labor camp staged a hunger strike in 1977 as a protest message to the 35 participant nations in the Belgrade Conference who were meeting to monitor the Helsinki Accords.

THE HELSINKI FINAL ACT - A BRIEF REVIEW

In August, 1975, the leaders of 35 nations met in Helsinki, Finland to sign the final accord of the Conference on Security and Cooperation in Europe. Although this document, known as the Helsinki Final Act, is not legally binding, it has some positive effects. Furthermore, as a multilateral agreement, including the US and the USSR, it provides firm ground for Congressional action on human rights issues.

The Final Act was happily received by many religious and nationality groups in the USSR. Groups of citizens were formed to assure that compliance with the accords was maintained by the government. Anatoly Shcharansky, Aleksandr Slepak, and other Soviet Jews participated in these groups.

The Soviet authorities have attempted to downplay the human rights aspect of the Final Act. By doing so, they have distorted the original intentions of the accords. As an example, the Final Act, in Principles VII and X, specifies that family reunification is grounds for emigration. Soviet officials have twisted this to mean that ONLY family reunification is a justifiable basis. Since a negligible number of Jews leave, there are few relatives outside the USSR who need reunification. Furthermore, permission is often denied to visa applicants, because there are remaining relatives in the USSR. In doing this, they cite the clause in the Helsinki accords which discourages the "separation of families." The definition of "family" to the Soviets in terms of Jewish emigration includes only parents and children. Their own law in "Soviet Fundamental Legislation on Marriage and the Family" defines "family" as man and wife, parents and children, grandparents, and "other members of a family." In fact, the Soviet Union has kept hundreds of Jewish families separated from members in Israel and elsewhere.

In 1977, representatives of the 35 countries met in Belgrade, Yugoslavia to review the process of compliance. The next review took place in Madrid, Spain in November of 1980, and lasted for three years. It was the scene of bitter attacks by the USSR, when violations of human rights were catalogued, largely by the American delegation, headed by Ambassador Max Kampelman. In his final statement, he declared that the Kremlin is "engaged in acts of anti-Semitism" and repression that are worse than at any time since the Accord was signed in 1975.

At the Madrid meeting, the NATO countries offered 14 human rights amendments. However, the Soviet delegation refused to consider them. Since unanimous agreement was needed on the final document of the review conference, the US and others had no choice but to accede to minimal statements.

On the surface, the Kremlin proclaims that it takes the *Helsinki Final Act* seriously, and it published the full text of the agreement in its press. However, the unofficial Helsinki Monitoring Group in the USSR was brutally broken up by the KGB, and its members imprisoned, exiled, or driven underground.

CULTURAL REPRESSION

The Soviet Union is a multi-national state, with over 100 recognized nations and nationalities. It is Soviet policy to encourage the development of the various national cultures as stated in its own law. The 1977 Constitution grants equal rights to citizens of different nationalities including, specifically, "cultural life." Moreover, the "Violation of Equality of Rights of Nationalities and Races" is regarded as a special crime. The Jews are one of the recognized nationalities in the Soviet Union; in fact they are a major one, ranking sixteenth in size among more than 100 Soviet nationalities.

There are still no Jewish schools in the USSR, not even in the so-called Jewish Autonomous Oblast (Region) of Birobidzhan. There exist only two press organs: The *Birobidzhaner Shtern*, a Yiddish newspaper of four pages which appears five times a week in Birobidzhan in 1,000 copies; and the monthly Yiddish literary journal *Sovietish Heymland*, published in Moscow in 7,000 copies, of which apparently half are sent abroad. Not a single one is permitted in the Russian language, spoken by 97.03% of Soviet Jews.

In 1977, there was only one professional Jewish theater, the Moscow Jewish Dramatic Ensemble, which, however, is a traveling company without a building of its own. In 1978, permission was given to form a Jewish Chamber Musical Theater. This was undoubtedly a concession to Jewish demands in the USSR and abroad, but approved under peculiar conditions. Though the theater could travel within the country, it had to be legally based in remote Birobidzhan, where, according to the 1979 census, only 10,166 Jews (or .5 percent of Soviet Jewry) live. Birobidzhan is also far from the traditional Jewish population centers of the Western regions in the USSR. The sporadic performances by both of these theaters have been enthusiastically welcomed by Jews, but their activities are extremely restricted.

There still does not exist any other Jewish cultural institution, lecture course, publishing house, artistic establishment, etc., with the sole exception of the Shalom Aleichem Library in Birobidzhan. In 1979, a memorial museum to Shalom Aleichem was established in his birthplace, Pereyaslav-Khmelnitsky.

As the opportunity to emigrate exists for fewer and fewer Soviet Jews, there is a movement to strengthen Jewish ties and cultural life in the USSR. By confiscating Hebrew books, arresting teachers of Hebrew and Jewish culture, banning classes of the unofficial education movement, and disrupting holiday celebrations, Soviet authorities have attempted to squash this Jewish cultural renaissance.

After July 1984, anti-Jewish activity increased dramatically. Although Hebrew is the only language which may not be legally taught or studied in the Soviet Union, many teachers take great personal risks to teach it. Among those arrested were Alexander Yakir, Dan Shapiro, Zachar Zunshain, and Moshe Abramov. False charges against these men included planted firearms and drugs. The drugs, authorities claim, are a "part of Jewish ritual practices." In addition, there has been the confiscation and mutilation of Jewish religious objects, such as prayer books, tfillin and mezuzoth.

OFFICIAL ANTI-SEMITISM

A constant drumbeat of anti-Semitism continues to fill the Soviet press and media, making little distinction between attacks on "Zionists" and Jews. Peretz, the Ukranian "humor" magazine, in 1983, placed a cartoon on the front page of a hook-nosed, bearded, black-hatted figure labelled "Zionism" who held up a blueprints for concentration camps for Arabs based on the Nazi models. Lev Korneyev, Russia's most notorious official anti-Semitic writer, continues to flood the press with articles and books proclaiming Jews "parasites." A series of "anti-Zionist" posters is available in Soviet book stores. Much of the propaganda seeks to portray "Zionists" as Nazis. For example, Pravda of January 17, 1984 openly compared Zionism to Nazism, stating that Zionists helped Nazis send Jews to the gas chambers, and that Menachem Begin and Yitzhak Shamir of Israel had links with the Nazis. In a country continually reminded by the Kremlin that 20 million Soviet citizens died at the hands of the brutal fascists, this is social dynamite.

Another example of anti-Semitism in the Soviet media is an illustration in Bakinsky Rabochii, June 4, 1985, which not only depicts that all religions are poisonous, but graphically points to Judaism as having a "special" venom. The cartoon caption reads, "These poisons act, first of all, on the brain." The two bottles are labeled poison and venom.

On April 1, 1983, an "appeal" carried by Pravda and other central Soviet newspapers, called for the creation of an "Anti-Zionist Committee of the Soviet Public." Signed by eight state-sanctioned "prominent" Soviet Jews, the appeal was a violent diatribe, calling for multi-sector public mobilization in a broad campaign against Zionism. The appeal was also widely broadcast on television and radio programs across the Soviet Union. Three weeks later, a meeting was held to formally announce the creation of the "Anti-Zionist Committee."

Since that time, the Committee has held many press conferences, where it condemned the United States and Israel, especially for their "aggression in Lebanon." In 1985, the Committee sent a letter to the US Congress condemning anti-Semitism in the United States. The membership of the Committee is distinctly Jewish; a tactic used by the government to foster an impression of legitimacy, giving the Committee the pretense of speaking for Soviet Jews. It has explained the decline in emigration since 1980 by claiming that all Jews who wish to leave the Soviet Union have already done so, despite facts to the contrary. Furthermore, it contends that many of those who left the USSR have returned or sought to do so. The Committee's formation was seen as part of an escalating campaign to isolate Soviet Jews from supporters in the West. Its actions repeatedly evoked angry reactions from the activists and former Prisoners of Conscience.

It is clear that the group gathered around Mikhail Gorbachev has shown no inclination to dissolve the Committee, despite its anti-Jewish and anti-Zionist campaign -- a campaign which casts suspicion on Jews and further alienates them from other Soviet minorities.

ACADEMIC ANTI-SEMITISM

Many Jews have been barred from places in universities, graduate and professional schools. Jews applying for positions in higher education are subjected to admissions exams and standards more stringent than those for other candidates. For example, Andrei Sakharov, a prominent mathematician, needed over an hour to solve what is known as a "Jewish Question" on a university examination. This question is supposedly designed to be solved in ten minutes. Deliberate discrimination such as this leads to inequality of representation in Soviet schools for Jews. Between 1979 and 1983, 13% of qualified Jewish applicants were accepted, compared to 80% of non-Jewish applicants, to Moscow State University's Department of Mathematics and Mechanics. The newly adopted School Reform Laws will reduce the number of students accepted into higher education by one half. This will greatly increase the competition for entrance into universities, and the situation of Jews could be significantly worsened.

THE FUTURE?

Life for Soviet Jews is steadily becoming more difficult and, in some respects, the situation has deteriorated since Gorbachev became the General Secretary of the Soviet Communist Party in March, 1985.

With respect to emigration, a relatively constant level has been maintained, with about 100 Jews per month permitted to leave. Even those few allowed to leave did not include veteran refuseniks waiting over ten years, despite welcome news that a handful of refuseniks were unexpectedly allowed to go to Israel.

While emigration was kept low, the number of arrests, trials and other forms of harassment of Jewish activists rose alarmingly. In 1985 approximately one Hebrew activist per month was sent to prison or labor camps. The tough policy of the government was aptly demonstrated by the brutal police beatings of Yakov Mesh in Odessa, and Mischa Elman and Evgeny Lein in Leningrad, as well as the shocking treatment of Iosef Berenshtein while in police custody. Rumors circulated that Berenshtein's beating by incarcerated criminals, resulting in near total blindness, was a police provocation.

The response of Soviet Jews has been a renewal of public activities, manifested in petitions and protests to Soviet authorities, as well as to individuals and organizations abroad. These have focused on official development has been a steep rise in requests for Israeli citizenship.

Soviet Jews still need our help. If we work with diligence, remaining sensitive to the individuality of every Soviet Jew in need, and fully utilize our strength, many more of our people will ultimately be redeemed.

US-USSR EXCHANGE AGREEMENTS

Between 1972 and 1974, the United States and the Soviet Union signed a series of 11 inter-government agreements for scientific and technical cooperation. Established in the period of detente in Soviet-American relations, the agreements covered 11 fields: environmental protection, studies of the world ocean, agriculture, housing and other construction, artificial heart research and development, energy, peaceful uses of atomic energy, transportation, science and technology, exploration and use of outer space for peaceful purposes, medical science and public health. Both sides felt, at the time, that these agreements would foster close ties between the two countries while adding to their store of scientific knowledge. Indeed, the early seventies saw a sharp increase in US-USSR cooperation. Together, the 11 "bilaterals" involved several hundred people travelling in each direction every year, reaching a maximum of 2,284 in 1975 alone.

The Helsinki Accords of 1975 helped encourage this trend toward scientific and technical cooperation. On August 1, 1980 report to Congress by The Commission on Security and Cooperation in Europe (CSCE) noted that East-West scientific interchange has broadened areas of expected scientific and technical cooperation between the United States and the Soviet Union -- both sides agreed to "remove obstacles to such cooperation, in order to improve opportunities for the exchange and dissemination of important scientific information." The late 1970's saw a definite increase in activity between the two nations, with both sides gaining significant benefits.

Linda Lubrano, in "National and International Politics in US-USSR Scientific Cooperation," noted, "Conceived as part of an international policy of detente, the bilaterals were vulnerable to the vicissitudes of Soviet-American relations." (Social Studies of Science, November, 1981). Since the invasion of Afghanistan on December 29, 1979, Washington has seen the Soviet Union in an increasingly adversarial light. The scientific cooperation of the detente era no longer seemed so important -- the withholding of this cooperation has been seen as one of the few means of penalizing the Soviet Union for "condemnable activities."

Where the Carter administration happily renewed the agreements that expired before Afghanistan after the invasion, it was reluctant to continue many of the agreements. Until the summit meeting in Geneva, the Reagan administration, strongly anti-communist and also disturbed by the crisis in Poland, has been even more wary of extending agreements, and its philosophy is less one of harmony and cooperation. The President had announced the non-renewal of several of the agreements -- he did not want the Soviet Union to have access to our advanced scientific and technical knowledge. The only agreements allowed to remain intact were those in which the United States seemingly benefits -- areas in which Soviet scientific methods are believed able to improve on those of the United States. Several agreements in areas of humanitarian interest, like artificial hearts and the environment, however, were renewed.

Below is a list of agreements, with their renewal dates, prospects for continuation and administering agencies of the United States government.

ENVIRONMENTAL PROTECTION

- Signed: May 23, 1972
  Duration: 5 years
- Extension: Provision for extension for successive five-year periods unless one Party notifies the other of the termination not less than six months prior to expiration.
- Renewal: The agreement was automatically extended May 23, 1977 and May 23, 1982. The Reagan administration has decided to continue this agreement for humanitarian reasons. It will not be considered again until November 23, 1986.
- Agency: Environmental Protection Agency

STUDIES OF THE WORLD OCEAN

- Signed: June 19, 1973
  Duration: 5 years
- Extension: By mutual agreement
- Renewal: The agreement received a three-year extension on December 15, 1978. It was extended again on December 15, 1981, for three years. The Reagan administration agreed to extend this because it felt that the US benefitted greatly.
- Agency: National Oceanic and Atmospheric Administration

AGRICULTURE

- Signed: June 19, 1973
  Duration: 5 years
- Extension: Provision for automatic extension for successive five-year periods unless notification by either side of intent to terminate not less than six months prior to expiration.
- Renewal: Automatically extended June, 1978, and in December, 1982 for one year. This is important to the Soviet Union, given the country's farm problems, and has often been examined as a source of leverage. Despite the fact that relations between the US and the USSR continue to be strained, renewal took place to satisfy domestic needs of both countries.
- Agency: Department of Agriculture

HOUSING AND OTHER CONSTRUCTION

- Signed: June 28, 1974
  Duration: 5 years
- Extension: Provision for automatic extension for successive five-year periods unless either party notifies the other of intent to terminate not later than six months prior to expiration.
- Renewal: This was automatically extended on June 28, 1979, for five years.
- Agency: Housing and Urban Development

ARTIFICIAL HEART RESEARCH AND DEVELOPMENT

- Signed: June 28, 1974
  Duration: 3 years
- Extension: Provision for extension for successive five-year periods, unless one party notifies the other of intent to terminate not less than six months prior to expiration.
- Renewal: This agreement was automatically renewed June 28, 1977, for five years. Though this would have expired on June 28, 1982, Reagan made the decision to extend it for another five years for humanitarian reasons. It is not going to be reconsidered until December 28, 1986.
- Agency: No provision

ENERGY

- Signed: June 28, 1974
  Duration: 5 years
- Extension: Provision for extension for successive five-year periods unless either party notifies the other of intent to terminate not later than six months prior to expiration.

- Renewal: Extend for period of three years on June 28, 1979. On December 29, 1980, President Carter announced that the US would not renew this agreement because of Afghanistan and Poland. This decision was partly out of a desire to punish the Soviet Union, and partly because the US felt it was giving more than it was receiving in this field.
- Agency: Department of Energy

PEACEFUL USES OF ATOMIC ENERGY

- Signed: June 21, 1973
  Duration: 10 years
- Extension: By mutual agreement
- Renewal: Up for renewal on June 21, 1983
- Agency: Not designated

TRANSPORTATION

- Signed: June 19, 1973
  Duration: 5 years
- Extension: By mutual agreement
- Renewal: Extended for two years in 1978. Extended for three years on June 19, 1980. To be reconsidered by June 19, 1983.
- Agency: Department of Transportation

SCIENCE AND TECHNOLOGY

- Signed: May 24, 1972
  Duration: 5 years
- Extension: By mutual agreement
- Renewal: Extended for five years on July 8, 1977. On December 29, 1981, the President announced that it would be allowed to expire on July 8, 1982.
- Agency: Office of Science and Technology

REVIEW PROCESS FOR CONSIDERATION OF RENEWAL

When the expiration date of an agreement approaches, the government agency which is in charge of administering the program is to give an initial review to the State Department. The State Department then distributes the review to other related and concerned agencies for their assessment. After being sent back to the State Department, the reviews are sent to the National Security Council for their approval and recommendations.

THE SCIENTISTS INVOLVED: THEIR OPINIONS COUNT

The United States government need not cancel an agreement for it no longer to be effective or workable. In America, unlike the Soviet Union, scientists decide of their own volition whether or not to engage in cooperation with another country. Just because the United States sets up a program does not mean there will be automatic scientific interchange.

The National Academy of Science's Committee on Human Rights issued a statement in 1978, "Scientific exchange programs can be negotiated and organized, but individual participation cannot be commanded." Indeed, scientists in the last several years have been very receptive to the human rights problem. In the aftermath of the 1978 trials of Yuri Orlov and Anatoly Shcharansky, more than a dozen individual scientists decided not to travel from the United States to the Soviet Union. At least four US scientific delegations cancelled or postponed their trips to the USSR during the summer. American physicists refused to participate in a meeting planned under the bilateral agreements in July.

Grass-roots support for a policy that would tie scientific exchanges to Soviet treatment of its own scientists has grown tremendously since 1978. In that year, 2,400 American Scientists signed a pledge not to participate in conferences with the USSR. The Federation of American Scientists (FAS) had received, by February, 1980, signatures from 15 Nobel Prize winners and from 180 National Academy of Sciences (NAS) members in a pledge not to participate in the bilateral agreements until Andrei Sakharov was released from exile in Gorki. In that same year, a FAS study of NAS members showed that 75 percent approved of a general cut off in federally-funded scientific exchanges.

OUTLOOK FOR SOVIET JEWRY

The Reagan administration, in considering whether or not to continue an agreement, has shown little inclination to tie it to human rights violations within the Soviet Union. Decisions are made primarily on the basis of external Soviet action (Afghanistan, Poland), or on purely scientific grounds -- whether or not America gains or loses from particular agreements.

Congress could mandate that the funds it appropriates for the implementation of a program be contingent on the Soviet treatment of Jews. The problem is that the Soviet Union could also react -- to screen the scientific programs rather than acquiesce to US demands. The Soviet Union may not find these exchanges so important that it would not be willing to cancel them if it feels it does not want to correct human rights violations, including the release of more Jews. Until this year, the exchange agreements were doing very little -- the attitudes of scientists and the low level of bilateral relations caused a definite slow down. Futhermore, the Soviet Union may believe that the gains are not significant enough, and that it could afford to tear up some agreements. Nevertheless, "linkage" could be important -- if only as a symbolic gesture by Congress and the President that the plight of the Jews in the Soviet Union is taken seriously.

As demonstrated, scientists have been receptive to human rights problems. Since they are essential to the implementation of the bilaterals, their support can be extremely effective. Despite the fact that it is doubtful the USSR desires an agreement enough to change internal policies, the help of scientists will continue to be taken seriously, as leaders of the community and internationally-known scholars.

CULTURE AND EDUCATIONAL EXCHANGES

In 1958, the United States and the Soviet Union signed the first in a series of private and official cultural agreements that have provided the basis for a broad range of cultural and educational exchanges between the two countries. After the Soviet invasion of Afghanistan, however, the US announced it had no plans to renew the US-USSR Cultural Agreement, which expired on December 31, 1979. In the absence of an agreement, the Soviet Union suspended performing arts tours (partly out of reprisal for defections). Other exchanges -- films, books, libraries -- were also cancelled.

The main exchanges that were allowed to remain were educational. Our government and the participating groups in the United States felt it would not be wise to completely cut off cooperation between the two countries, and educational exchange might lead to better understanding in the long run. The other exchange allowed to remain was the exchange of magazines.

The educational exchange agreement between the private United States National Academy of Sciences and the USSR Academy of Sciences was signed in 1959, and has been renewed ever since. Unlike the more politically and nationally-oriented bilateral scientific exchanges, the NAS' cooperation is viewed as more purely scientific. The scientists under this educational agreement are pursuing personal scientific interests, and are less vulnerable to the political relationship between the two countries. Under this arrangement, American scholars are sponsored by the NAS and travel as guests of the Soviet Academy, and vice versa.

Nevertheless, the program was cut, partly because some US scientists have shown a decreasing enthusiasm to travel to a country where their counterparts are severely inhibited. Other reasons for the displeasure of scientists included the Soviet invasion of Poland and Afghanistan and the mistreatment of US scientist when they arrive in Russia.

The level of cooperation between the academics has also diminished since the exile of Academician Andrei Sakharov. On February 24, 1980, the Council of the NAS decided to suspend for a period of six months all inter-Academy symposia, seminars, workshops and new initiatives. This suspension remained intact following increased Soviet repression. Participation between the Academies is now purely on an individual basis -- it is left to the conscience of the participating members.

THE OUTLOOK

The National Academy of Sciences has already shown a willingness to treat human rights as a high priority. It has a general Council that meets about every three months to discuss policy matters. The Human Rights Committee has been very concerned about the plight of Jewish and other scientists. The Academy, however, has shown little desire to stop educational exchanges completely. Though there has been real support for the cancellation of symposia and seminars, there is little call for a stop in individual exchange. While the organization is already sympathetic -- attempts to have them link individual scholarly visits with the issue have not been successful.

The International Research and Exchanges Board (IREX) and other educational exchange organizations show little desire to connect their programs with human rights issues. They see educational exchange as the last remaining area of cooperation between the two countries -- one that must be preserved. One official involved with these programs said the Soviets would rather see them cut than linked to what they describe as an "internal matter." In any event, since we had cut the bilaterals in which they were really interested, like Science and Technology, they would just as soon cut "less important" educational agreements. For any real change to occur, the human rights issue must be linked to something the Soviets consider of real importance.

Finally, though the United States government had shown little desire to continue cultural exchange, until the last summit meeting, the State Department was supportive of educational cooperation. Indirectly, through the issuance of visas, the State Department controls the lifeline of these programs -- they have shown little willingness, at this point, to alter their policies.

Realistically, it would be difficult to pursuade the educational administering agencies to link educational programs to the Soviet Jewry question. Even if this did happen, however, the programs have been so scaled down that they may be of little interest to the Soviet Union. Nevertheless, it is still important that the administering education agencies be kept up to date, with the hope that at some point they may become sensitive enough to try to be of direct help and at least, bring up the issue in private consultations with Soviet officials and scholars. Even symbolic demonstrations of support for Soviet Jews are crucial.

THE ROLE OF THE U.S. GOVERNMENT

While no one can predict the future, the coming months may represent a thaw in present US-USSR relations, or at least, a window of opportunity. If so, we have an important agenda.

The organized Jewish community has delegated to the National Conference on Soviet Jewry the central role in the development and implementation of efforts to remove Soviet Jews from special persecution within the Soviet Union, and permit those who wish to be repatriated to Israel, and be reunited with relatives, to do so.

The NCSJ strongly supported the Jackson-Vanik Amendment, which took note of human rights violations and imposed restraints on East-West trade until the states affected ceased the most grievous violations of minimum human rights standards established in principles to which these states had publicly subscribed. It did not support the Stevenson Amendment, which placed a ceiling on credits to the USSR.

Segments of American opinion believe that no trade should be fostered with a government which, even tangentially, strengthens its grip on the population within its own borders or abroad. In this context, as someone aptly put it, even the sale of kitchen sinks may be against American interests.

If a total ban on U.S. trade with the Soviet Union could change its totalitarian nature, we might support such a policy. But, we know that such hopes are fatuous, possibly dangerous, and in the long view inimical to American interests. Reflecting the views of millions of Americans, we do not oppose trade with the Soviet Union, so long as it does not include items of strategic value. Kitchen sinks, yes; laser technology, no.

Trade, in a large category of materials, products, and services, reasonably screened for American security concerns is in the interest of the United States, enlarges our markets, employs our people, reduces our trade deficits and enriches our economy, while increasing the stakes both sides have in peaceful coexistence.

American trade policy with the Soviet Union, as expressed in the Jackson-Vanik Amendment, is not based, however, on "bread alone." While the Soviet Union persecutes expressions of Jewish life and culture, and clamps down on emigration, the NCSJ would not support either a repeal of the trade legislation in place, or executive waivers as provided in statutes. However, the NCSJ is on record that its attitude is not inflexible, and that it would favor a modification of U.S. trade restrictions in non-strategic items as permitted by law. This could be step by step with Soviet action, to restore relations to those that existed in 1979.

We have noted, though we are not necessarily persuaded by, arguments that Soviet policy links several issues, including arms talks, to emigration. As one expert has opined, "Jackson-Vanik is not of great concern, except as one of several interlocking interests of the Soviet Union -- including those with geo-political considerations."

If this be the case, we address "linkage."

One must not lose sight of President Kennedy's statement shortly before his death: "What is peace, after all, but a matter of human rights?" President Kennedy's words are not merely a rhetorical flourish. They have a very present relevance as the USA and the USSR lumber to the summit.

Our presidents must ever be mindful of American opinion as they negotiate on a variety of issues, particularly for arms control. Treaties must be bottomed on what the Senate will approve. American support of arms control, particularly in the absence of on-site inspections, will depend on faith in Soviet pledges. For several years there has been an acrimonious debate as to whether the Soviets have violated existing arms limitation arrangements. Such questions are not easily settled, making credibility of the Soviet plighted word even more significant.

In 1975, in Helsinki, the Soviet Union agreed, among other things, to abide by certain human rights standards. Compliance with this agreement can be accurately measured by the numbers who emigrate, the public record of refuseniks (i.e., those deprived of jobs or education), and police actions and trials of Hebrew teachers and Jewish cultural activists.

If the Soviets link a range of issues to be resolved in tandem they should realize that, while the United States may not formally link arms control and human rights, Americans will more readily trust the Soviet word when Moscow gives credible evidence that they will comply with previous human rights undertakings which do not affect their vital security interests.

Mr. Chairman, the National Conference on Soviet Jewry remains a firm supporter of the "Helsinki process", which began with the first Conference on Security and Cooperation in Europe, in Helsinki, in 1975.

We are pleased that this present administration has viewed the process as an important instrument to help ensure the security of people and nations. While we are aware of the limits of the Helsinki Final Act, the basic accords should continue to be a part of U.S. Foreign Policy.

If we are to look at the viability of the "Helsinki Process," especially the forthcoming Human Contacts Meeting of Experts in Berne, and the Vienna meeting to review the implementation of the Helsinki Final Act, it may be instructive to assess the last meeting held under the CSCE process. In this regard, we are pleased to draw upon material from our colleague, Dr. Stephen Roth, prepared for the Institute of Jewish Affairs, in London.

The Cultural Forum of the Helsinki or CSCE process held in Budapest last November met to consider proposals for improving intra-European cultural cooperation. Given the severe impediments faced by Soviet Jews who wish to give expression to their culture, the meeting was of special interest to Jews generally -- their survival depends on the maintenance of their cultural heritage.

Three special features distinguished the Forum:

- it was the first CSCE meeting to be held in a Warsaw Pact country, an indication of some concrete benefit of the Helsinki process;
- it was one of the few CSCE meetings in which private individuals (in their capacity as cultural personalities) also participated;
- no time was allotted to a review of implementation, so instances of explicit violations of the Helsinki Final Act, such as in the case of Soviet Jewry, had to be raised in general discussions or incidentally.

The highly structured compromise agenda adopted was inimical to free debate but it reflected the different approaches to culture in East and West. The West sees cultural creation as deriving from the free spirit of the individual. The East sees it as serving society and must therefore be controlled by the party-state authorities.

The Soviets wanted to discuss only technical proposals for cooperation, but in one form or another the issue of human rights and freedoms always cropped up, with the former British Conservative Arts Minister Norman St. John Stevas MP and Professor Nathan Glazer of the US attacking the USSR for its suppression of Soviet Jewry.

Scores of proposals on cultural cooperation were made, nearly half from the governments; and half were initially 'unofficial' proposals by the cultural personalities. Of special interest were Western proposals on:

- freedom for members of religious denominations to obtain and use the materials which would allow them to develop their cultural heritage;
- the protection of the unique identity of national minorities and the fostering of the free exercise of cultural rights.

Several Eastern proposals were highly propagandistic and political -- such as one on employing culture and the arts to shape peaceful attitudes and behavior. One of special Jewish interest was the outlawing of cultural discrimination on the grounds of, inter alia, 'race...national or social origin'.

Since CSCE meetings work on the consensus principle, success is often measured by an agreement on a final communique. The Cultural Forum however ended without one. The Soviets were initially eager to produce a document, but, in the end, did everything to thwart agreement -- unless it was on their terms.

The neutral and non-aligned countries submitted a draft communique which even-handedly summarized the work of the Forum and the proposals submitted. Though not entirely satisfied, the West was ready to accept the paper as a basis for discussion. But the Soviets were only prepared to consider the document with their own amendments, practically making the draft a Soviet document. A stalemate ensued which the Hungarians tried to resolve by submitting a short, sterile, draft communique. A rift in the Eastern camp -- Romania alone refused to agree -- finally dashed any hope of a document.

Despite the lack of a final document, most observers and participants spoke positively of the forum. Only on the last day was the atmosphere poisoned by the Deputy Head of the Soviet delegation who viciously attacked the US for infringing the cultural rights of millions and for 'cultural and physical genocide', an outburst which destroyed the last chance of an agreement.

This, together with the failure to reach an accord --- which was inconsistent with the proclaimed new atmosphere of compromise and understanding which was supposed to have resulted from the Geneva superpower summit -- bodes ill for the whole Helsinki process. That process may now need to be rescued outside the Helsinki machinery by an agreement between the two great powers, the USA and the USSR.

CONCLUSION

Mr. Chairman:

Every facet of Soviet Jewish life has been touched by official actions which contradict rights guaranteed the Soviet Jewish minority. The effects of a repressive and discriminatory policy are seen in the plunging statistics of emigration, and in the quiet desperation of Soviet Jews.

Despite more than a decade and a half of continuing activity, the member organizations and affiliated community groups in the National Conference on Soviet Jewry have sustained their vigor and commitment.

We shall continue to strive to realize our goals of permitting Jews to leave in accordance with international law and standards. We shall continue to pursue for those who have not decided upon their future, or who choose to remain, the right to live as Jews within Soviet society and with the full rights of their cultural, historical and religious heritage.

We welcome all initiatives in support of these goals.

Thank you.

APPENDIX 7

– Truth is OUR Weapon –

TESTIMONY OF

VERA POLITIS
CHAIRMAN, NATIONAL HUMAN RIGHTS COMMITTEE
CONGRESS OF RUSSIAN AMERICANS

PRESENTED BEFORE THE COMMISSION
ON SECURITY AND COOPERATION IN EUROPE
HEARING ON HUMAN RIGHTS AND THE CSCE PROCESS

FEBRUARY 27, 1986

CONGRESS OF THE UNITED STATES
WASHINGTON, D.C.

Mr. Chairman and Members of the Commission,

I appreciate the opportunity to appear before this distinguished Commission on behalf of the Congress of Russian Americans and its National Human Rights Committee which I chair, to present our views on how CSCE can best serve the cause of human rights - specifically on policy initiatives the U.S. might pursue at the upcoming Vienna Review Conference, and in East-West diplomacy overall.

First I would like to state that the Congress of Russian Americans, is the largest National Russian American organization. We have chapters in almost all States of the Union. We enjoy the full support of the Russian American community and the Russian Orthodox Churche. We have in our midst Russians, Ukranians, Bielorussians, Caucasians and other ethnic representatives who comprise the population of the USSR. What unites us is our Russian Orthodox faith, our 1000 year old common Russian geo-political heritage and our uncompromising rejection of any and all varieties of communist and marxist ideology.

My own origin is Ukrainian. Having lost many members of my family under the Soviet international communism, including my grandparents, during the forcible collectivization and subsequent famine; my uncles, who were shot by the early militant communists; and my beloved father, who perished in the communist holocaust, having been "liquidated" in the NKVD building which the Soviet Secret Police blew up together with the political prisoners inside - I can truly, and regretfully, claim to be a direct victim of the Soviet communist terror. Expropriated, disfranchised of all human rights, its many members exterminated by the Soviet clique of international marxists, my family clan shrank from several scores to a bare three individuals.

No wonder, then, that I and many of my associates in the Congress of Russian Americans, who experienced similar fate under Soviet communism, are shocked and outraged with those who either through ignorance, misinformation or racial bigotry and prejudice find a scapegoat in the Russian people by attributing all communist atrocities and policies of Soviet internationalists solely to the Russian ethnic group in the Soviet Union.

The glaring example of this absurdity is no more evident than in Public Law 86-90, the so-called "Captive Nations Law", which not nly refers to Soviet communism as "Russian", but omits mentioning the very first captive nation of Soviet communism - the Russian nation. It also resorts to falsification of history by assiging statehood to such non-existing countries as Idel-Ural and Cossackia. Furthermore, Ukraine and Bielorussia are presented as nations "conquered" by communist Russia. We are made to believe that the Ukrainians, Bielorussians and other nationalities within the former Russian Empire were immune to communism and that Russians were the only communists. What a shameful lie and what a deplorable ignorance on the part of the United States Congress which in July 1959 unanimously voted this peculiarly phrased document into Public Law. The Soviet communists of non-Russian ethnic origin feel certainly rehabilitated, and amused, to be sure.

Under these circumstances,how can we confront our foe if we are unable to identify him? How can we deal effectively with our adversaries in this labyrinth of confused notions and false preachers?

The history of Soviet communism speaks for itself. The consolidation of Soviet power and the gruesome process of "building communism" in the Soviet Union has been accomplished with the participation of members of all ethnic groups living on the territory of the Union of Soviet Socialist Republics. The membersip of the communist party and its leadership is international now and has always been such in the past. It is not a Russian Institution. It is a multinational conglomerate of Soviet marxists who zealously cling to their bankrupt communist ideology, now possibly from purely selfish motives to justify their power status and to ensure threir survival.

Individuals and groups who continue to advocate racial and national hostility toward the Russian people in the Soviet Union, by alleging that the Russians alone are guilty of the communist atrocities, crimes and policies, are contributing to the barrage of hatred and misinformation and are doing a great disservice to America. The United States of America and its government should cease its reliance on sources which are factually incorrect and politically harmful.

Mr. Chairman, I felt compelled to present to you and the Members of the Helsinki Commission, this brief sketch of my background and of our position on certain basic truths, so that you may better understand and judge the text of my testimony to follow.

The survival of a political repressive structure, such as the Soviet communist system is, depends entirely on legalized and enforced provisions that exclude human rights the way we understand them in the West. The Soviets realize this fact very well and it is exactly for this reason that the Soviet communist leadership resents and resists the Western overtures about human rights in the USSR, calling them "interference in the internal affairs of the Soviet Union." In the light of this bitter reality, what can the Western governments, and the United States in particular, do to promote the implementation of the multifaceted humane paragraphs of the Helsinki Accords, to which the Soviet Union is one of the 35 signatories?

The United States and this Commission, Mr. Chairman, must demand of the Soviet Union absolute compliance with the human rights provisions of the Helsinki Final Act. At the same time, realizing that it is highly unlikely that the Soviets will comply of their own accord, we should be prepared to use a policy of penalties, when no progress is being made, and rewards when some progress is made. Firmness, persistence and patience will be required for this policy to bear fruit. All Soviet compliance violations must be presented to the Soviets and redress demanded. Such violations most of the time will be individual cases that come to our attention. This in turn necessitates the closest possible monitoring of human rights conditions in the Soviet Union. This is an area where our organization can be of great assistance to your Committee.

It is truly a Herculean task to fight for human rights in the Soviet Union. Yet, it is precisely these difficulties that ought to motivate our work toward change within the Soviet repressive system. It is our strong conviction that temporary and ephemeral successes, including limited emigration, cultural exchanges, certain trade agreements, and the like, which may seem to be gratifying at the time, do hardly respond to the long-standing yearning for freedom from oppressive communism by the millions living Behind the Iron Curtain.

It seems to us that if our government and our Congress are openly supporting, indeed demanding respect for human rights, democratic institutions and free elections in countries like the Philippines, South Africa and Chile, we should show no less concern about the rights of the multimillions living under the tyrannical communist dictatorship. They, too, wish to live in freedom and deserve our government's intercession on their behalf, in spite of the hysterical pronouncement of many soviet "experts" that we dare not challenge the Soviet dictatorship. In other words, some of our sovietologists either from excessive caution or from appeasement complex continue to advocate compromises, which more often than not result in foreign policy failures. The map of the world is a poignant illustration of the territorial losses suffered by the Free World as a result of such appeasement attitudes in our foreign policy. There is no substitute for resolute courage, be it in personal life or in diplomatic encounters. Why should we deprive ourselves of the right to be firm when fighting for human rights, justice, freedom and peace with dignity?

We do not advocate military confrontation, that would be insane. We do propose,however, that a long-range strategy be formulated which would assist those in the Soviet Union and its Satellites who genuinely strive for democratic change. We believe that our policy makers have failed in this respect and that those of our Soviet "experts" who are anxious to accommodate Soviet demands, are tightening the knot of communist oppression for the millions of innocent victims living under the Soviet marxist dictatorship.

We strongly believe that a free government and its representatives have the moral duty to advance the cause of freedom, guided if not from the feeling of Christian compassion and love, then from a pragmatic sense of selfpreservation. For promotion of freedom in the Soviet Union means weakening of the Soviet control over its citizens, which will inevitably lead to the eventual collapse of the communist system.

It is essential, Mr. Chairman, that our government while pursuing a sane and pragmatic foreign policy, never forgets that we have on our side an enormous untapped human resource - our secret allies, the captive Russian people.

Over the past ten years we have regretfully noted that the plight of Russian Orthodox dissidents has received lukewarm attention and support by the staff of this Commission. It is difficult even to try to rationalize such injustice. It is religion in general that is under persecution in the Soviet Union and the Christian Orthodox faith under the Soviet communism was singled out from the beginning as the main target and has received the full fury and the heaviest blows of the ruthless Soviet atheist antireligious fanatics. The following figures illustrate the magnitude of the communist attack on the Russian Orthodox faith and its adherents:
From the functioning 54,174 Russian Orthodox churches in 1914, only 3,000 remain open in 1982. From 113,792 members of the Russian Orthodox clergy in 1914, only 5,693 remained in 1941. By conservative scholarly estimates, 90% of the 113,792 members of the Russian Orthodox clergy were tortured to death or died in prisons and concentration camps between 1914 and 1941 (The Persecuted Church, by Very Reverend Dimitriy Konstantinow, All-Slavic Publishing House, New York, 1967; LC 67-18841 and Stations of the Cross by the same author, Zaria Publishing House, London, Ontario,Canada, 1984).

The human losses suffered by Russian Orthodoxy under the Soviet communist regime run into dozens of millions! A staggering figure and so difficult to comprehend for anyone living in freedom!

Mr. Chairman, there should be no doubt in our mind that the people who have endured so much under the Soviet regime, whose active and passive resistance to communism cost them millions of lives - are our secret allies, are longing for freedom and deserve all the help we can give them!

Therefore, the first and foremost of our requests to you, Mr. Chairman, is that this Commission should treat all captive peoples in the Soviet Union with the same concern and use the same pressure when discussing with the Soviet officials problems of emigration, and when requesting freedom for men and women imprisoned in the Soviet Union. We would like to request your intercession with the State Department to follow the same policy.

We feel that it is vital for our national interests that our Government and our Congress make every effort and use every opportunity to assure the Russian people in the Soviet Union that we understand their tragic plight under the totalitarian monolithic system and wish for the day when all the captive peoples of the Soviet Union will regain their freedom and with it their human rights and their human dignity.

The Congress of Russian Americans views with great concern the forthcoming review meetings of the Helsinki Accords. Any negotiations with the Soviet authorities call for a great deal of patience, perseverance, intimate knowledge of Soviet history and Soviet mentality and skillful diplomacy. It is an extraordinarily difficult task.

We would like at this time, Mr. Chairman, to offer for your consideration certain concrete proposals, which the Congress of Russian Americans believes will contribute to the effective process in East-West diplomacy. These proposals will be listed in the order of their priorities.

1. The significance of observing nondiscriminatory practices by the Commission staff has already been stressed. Equal treatment should be accorded to each Soviet case of human rights violations, regardless of his/her national or religious origin. The CSCE Digest in its reference to individuals should follow the same standards in each case. Specifically:
   a) if the CSCE Digest editors choose to identify political prisoners or human rights violation cases by a persons's national affiliation followed by his name, or by first stating his name with a later reference to his nationality, then this practice should also apply to all individuals of Russian nationality.
   b) failing to identify a Russian person by his nationality, while identifying all other cases by their respective nationality, creates the false impression that there are no Russian people arrested and in need of our assistance. As it is done now by the CSCE editors, a Russian prisoner is referred to by the Digest either as "Soviet prisoner", a "human rights activist", a "Soviet dissident" or simply as a "case of religious persecution".

2. We are bitterly disappointed that the case of IGOR OGURTSOV, the most outstanding case of human rights violation in the Soviet Union, has received almost no support by the CSCE Commission staff and the Department of State. We urge that this most regretable oversight be promptly corrected and Ogurtsov's case be given the attention it deserves.

Ogurtsov, the most prominent Russian Orthodox dissident is the founder of the Social Christian Movement (VSKhSON), whose goal was the rebirth of Russia along Christian democratic principles. Imprisoned since 1967, Ogurtsov is serving the last year of his twenty-year long sentence in KOMI ASSR, Ust-Vymski rayon, 169060 pos. Mikun (do vostrebovania), is in poor health and needs our help desperately. An invitation to come to the United States, which was sent to Ogurtsov's parents from their relatives in America, was rejected last year by the Soviet Visa Office OVIR. In our last telephone conversation with Igor's mother, she turned to us with her heartbreaking plea, "SAVE, SAVE MY SON!" Mr. Chairman, the Russian American community and the hundreds of thousands of people who have petitioned the Soviet authorities to let Ogurtsov emigrate, are looking to you for help.

In the past two years two Congressional resolutions have been adopted dealing solely with Ogurtsov's fate and requesting emigration for him and his parents. Senate Resolution 294 was unanimously approved by the U.S. Senate on June 27, 1984, and House Resolution 76 was unanimously adopted by the U.S. House of Representatives on December 16, 1985. As far as we can tell from the literature we receive from the CSCE, unfortunately, not a word has been published about the adoption of these important Resolutions.

Mr. Chairman, we would like to take this opportunity to express to you our gratitude for your moving statement of February 23, 1984, in support of Senate Resolution 294. We now appeal that you request the Soviet authorities to grant Igor Ogurtsov permission to emigrate from the Soviet Union. We would also like to convey to you Ogurtsov's deep gratitude for all you have done and may be doing in his behalf.

3. Demand general amnesty for all Soviet political prisoners, beginning with the two prominent Russian dissidents: IGOR V. OGURTSOV, serving the twentieth year of his sentence in Mikun, and ANDREI D. SAKHAROV, interned in the city of Gorki. Request immediate freedom and emigration for these two outstanding scholars and human beings.

4. Request emigration rights for MIROSLAV MEDVID, the Soviet sailor who jumped ship twice in his desperate bid for freedom, and instruct our Embassy in Moscow to get in touch with him for the purpose of assisting him.

5. The Commission should contribute its expertise in the area of human rights to improve our State Department policies on questions of defection from the Soviet Union to ensure the humane treatment of all future Soviet defectors who may ask for political asylum in America.

6. Demand emigration rights for all who wish to leave the Soviet Union. Insist that the basic human right to emigrate should be given to any Soviet subject who requests it, regardless of his/her national origin. Treat the emigration question not as a privilege, but as a fundamental human right for anyone who wants to exercise this right.

7. Request freedom and emigration for former and present Russian Orthodox and other political prisoners: IGOR OGURTSOV, LEONID BORODIN, ROSTISLAV EVDOKIMOV, VLADIMIR OSIPOV, DR. ANATOLI KORIAGIN, SERGEI KHODOROVICH, NIKOLAI IVANOV, FATHER GLEB YAKUNIN, YURI ORLOV, VLADIMIR BALAKHONOV, ZOYA KRAKHMALNIKOVA, TATIANA OSIPOVA, NATALIA LAZAREVA, DR. ALEKSANDR BOLONKIN, VSEVOLOD KUVAKIN, VLADIMIR PORESH, SERGEI KOVALIOV, ALEXANDER OGORODNIKOV, VALERI SENDEROV, IRINA RATUSHINSKAYA, FATHER IOSIF MIKHAILOV, VALERI REPIN, ANATOLI PONOMARIOV, TATIANA SHCHIPKOVA, MIHAIL ZOTOV, VIACHESLAV DOLININ, SERGEI YERMOLAEV, VASILI CHERNYSHOV, FATHER MIKHAIL ERSHOV, FATHER BORIS ZALIVAKO, FATHER JEFREM OKININ, VALERI TIMOKHIN, VASILI SHIPILOV, FATHER GRIGORI SEKACH, ALEXANDER KUZKIN, VIACHESLAV ZAITSEV, IGNATI LAPKIN, VIKTOR POPKOV, FATHER IVAN KRIVUSHCHEV, --

and all others who may feel the need to emigrate.

8. Demand that the Soviet authorities allow free exchange of ideas, and stop confiscating religious and other literature which Western travellers may bring with them into the Soviet Union.

9. Demand the removal of the exorbitant Soviet postal tariff on parcels with food, medicine, or clothing in non-commercial quantities that are sent to relatives or friends in the Soviet Union on humanitarian grounds.

10. Demand for Soviet citizens the right of unrestricted travel abroad for personal or professional reasons or on an invitation from Western friends or relatives.

11. Request that Western book publishers be permitted to display at the book fairs and shows in the Soviet Union any literature they choose, including religious and philosophical, without undue restraint (Basket III provision).

SPECIFIC SUGGESTIONS RELATING TO FOREIGN POLICY AND EAST-WEST DIPLOMACY:

Condition: Any policy initiative taken by our government and/or the CSCE vis-a-vis the USSR should be conceived and evaluated on the basis of its long-range effect on our national interests and security.

1. Keep assuring the Soviet people that the USA is a peace-loving nation and that we have no intentions to start war against the Soviet Union. This must be done on a regular basis through Radio Free Euroope, Radio Liberty, Voice of America programs and other means at our disposal for similar purposes.

2. Demand the withdrawal of Soviet troops from Afghanistan.

3. Create an office which would deal with the pressing problem of giving political asylum to Soviet defectors and prisoners in Afghanistan, who request such asylum. Various Relief groups which visited these Soviet prisoners describe their situation as totally hopeless and tragic. It is our strong conviction that the CSCE should take initiative in this urgent human rights problem, knowing full well that the Soviet authorities do not recognize the existence of any Soviet prisoner and have been merciless toward anyone who is taken prisoner, especially so toward those who dared to oppose this brutal war against the Afghani people by defecting from the Soviet army.

4. Appoint a special Human Rights Monitor at our Embassies and Consulates in all 35 signatory countries to monitor compliance with the Helsinki Accords in those countries.

5. Create a permanent special Advisory Committee attached to the CSCE and consisting of representatives of the various non-governmental ethnic organizations that have a special interest in the area of human rights.

6. When briefing Members of Congress, Department of State and other officials, before a visit to the USSR, urge them to visit prominent Russian Orthodox dissidents and their families in the Soviet Union. Request that our officials provide counsel and any assistance they can to these unfortunate people. The American Embassy in Moscow and our Consulates in the Soviet Union should do the same.

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7. We suggest that ethnic non-governmental organizations' representatives invited by the Commission to participate in official international Helsinki proceedings be rotated, so that every ethnic group has an opportunity to participate. The National Human Rights Committee of the Congress of Russian Americans would be most happy to participate in the Vienna Review Meeting.

8. To obtain Soviet compliance with the Helsinki Accords Provisions the United States should be prepared to impose penalties for non-compliance. We suggest that no new agreements should be concluded with the Soviet Union unless the Soviet Union has honored all previous agreements.

On May 7, 1984, Secretary of State, Mr. George Shultz, made a speech in Peoria, Illinois. I would like to conclude my testimony with his words:

"Our human rights policy is a pragmatic policy which aims not at striking poses but at having a practical effect on the well-being of real people. It is a tough-minded policy, which faces the world as it is, not as we might wish or imagine it to be. At the same time, it is an idealistic policy, which expresses the continuing commitment of the United States to the cause of liberty and the alleviation of suffering. It is precisely this combination of practicality and idealism that has marked American statesmanship at its best."

It is our hope, Mr. Chairman, that this policy will indeed succeed in restoring human rights and liberty for the Russian and other people, living in communist captivity.

Thank you, Mr. Chairman and Members of this Commission.

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